1893-94
(L.R.).

File No. 94 of 93.
Serial No 1-15.

Sub:- Appeal of Lakshminarasimhaiah
regarding the Shanbhogi
of Madanayakanahalli Singarahalli
Firkas

PF 45894

G. R. S. IX-5]

Previous references. 1893-94

192 .

(K.R)

File No. 94 of 93

Serial Nos. 1–15

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–15

Major ~~Part~~ B for December 189

SUBJECT.

Appeal of Venkatramana Srinivasa Raghunatha & Rangoji of Madura - Mota & Rajamahal Suits.

WD 2253 GPB—20,000—14-6-20

Contd 12

3

6. As two persons of the same name Somnath are connected with this case, it appeared to me that one Somnath had taken advantage the benefit of the confliction of the names and produced ~~false~~ records from the last 50 years records and levelled my patient enquiries thereon.

7. The Shambagi villages of the undernamed facts have been from the beginning as following Eleven villages, viz Madenmedu, Hosahalli, Kanikerahalli, Timmasandra, Puragenahalli, Kotagalli, Banasikahalli, Sangada halli, Jonchara, Hare-gondanahalli, Kale-Kroona.

8. Sangappah son of Appaya and Somappah son of Yellappa ~~have~~ were joint Sarvakar's from the beginning of the time of Palica Polige settlement in 1877. ~~and the villages were not divided between them.~~ and the villages were not divided between them.

Till

Till the Pakka Potiji
settlement Sampiah
was getting a pay of
annas 10 per mensem
and Timmiah 8 annas;
in all Rs 1-3-0 per mensem
During the Pakka Potiji
settlement a separate shop
consisting of five of the
villages was organized
and assigned to Sampiah
in the way connected
by blood with Sampiah.
Out of the six villages
that were left for Sampiah
Kasba Narasamedu
was made one Pakka,
and the five villages
Kotagalla, Benaiela-
-halli, Singarahalli
Timmalapura & Gowdahalli
were constituted another Pakka
-for Gowdahalli. The income
Sampiah being confined to
only the six villages
comprised in Sampiah
Pakka, he ceased
from the history of Sampiah
and begin the history of
the Mantapi of Sampiah.

1. This Sampiah son of
Yellappa and Gowdi Mantapi
died in Pandava 1825-26
Kadim
Isvara leaving behind two
sons

7

Supt of the Late Cuttack
Division dated 30th
October 1841 Para 13
The decision passed in
the Civil case referred
to, and that this passed
Orders passed by the other
Mal gumasta Nagpoor
Pryag vacil should be
removed, that the three
Judges should jointly
Nominate a gumasta
for under the said decree
of three one should be
appointed by each.
The vakeel of Ramchunder
Jakee served his order
of the 30th of March
on the same
- medoo Pakha
effect on 30th ..... 1841.
No. 44. Again one
Nuncappa was appointed
gumasta under Mr Jones
order no. 46 dated 1st
October 1841.
14. Again on a further
petition of the Junior
wife of the late Narasinha
- dar Vencapparna
Sompiah dated 26th
July 1844, the Supt.
of the late Cuttack
Division issued order

No

No. 16 of the Amildar
directing the grant of
Inam land to the petitioner
in accordance with the
order hereinafter originally
issued. In accordance
with the same the Amildar
issued Order No. 14
on 18th Augt of the same year
to the Sirkar. Virupax
Ramappa has ~~obtained~~
entered in the Varavu
as finished up to June
1845. In the meanwhile
Sivalingamma died.
15. In 1844 Karki
Ramanappa applied
to the Kamal Pattapar.
In July 1845 Ramanna
petitioned the Supt. of
the Inam Commr stating
that in the
year that she
had adopted a boy can
the Varavu should be
made in his name, &
that herself and her
co-wife Sivalingamma
would enjoy the land
according to Inam
The Supt. passed Order
No. 9 dated 12th July 1847
directing that as the
boy is a minor & the
land

the Chittoor division
received order No. 146
on 30th May 1847 to the
effect that in the absence
of any other work
for Mysore he got his
with his former pension
Ramappa.

20. On 5th September 1848
the Amildar of Budihal
informed the Supt. in
reply in his letter No 42
that Narayanappa ~~of~~ rejected
~~against~~ to Narayappa's ~~the petitioner~~ petition
~~the~~ ~~petition~~ ~~Narayappa~~ ~~the~~
because the ~~found~~ ~~the~~
allegations ~~against~~ ~~Narayanappa~~
~~and that the~~ Narayanappa
to do duties which ~~was~~ ~~against~~ Ne-
-rayana was against Ne-
-rayana's nomination of Mysore,
and that in the end Na-
-rayanappa had ~~chosen~~
one Ramchandra Venkatapa
concerned with Subbi
in which letter Naray-
-anappa too ~~was~~ concerned.

21. The Supt. of the late
Chittoor division
in his order No. 44 dated
9th September 1848 approved
of the Nomination of
the said Ramchandra

Venkatapa
Ramachandra

Venkatappa ~~Venkatappa~~ Satisfied
~~Revenue Inspector~~ of the charges
and imposed a fine made
in his name.

22. The months date.
- Grant of the above order
is entered in Revenue Register
No. 1 kept by the Shirastadar
Division Station Rath
The dist No Sirur Kondiram
Venkatappa during duties
& prayer that her name
can may be entered in
the Register, Sayine
Citizen by the Circar being
appointed pinnacle.
Thereupon the Supt.
passed order No. 42
dated 16th November 1848
directing the removal
of Kondiram Venkatappa
Khandekar & the entering
from & Revenue Register
of ~~Dy~~ in the Register of
Ramappa who are
performing the duties
till 1845, & the work being
not done by him.

23. Under the foregoing
order Ramappa performed
duties till Aug 1854 when
a charge of embezzlement of
Govt. money was brought
against him & he was fined &

dismissed

9

late Saraveedar Yellappa-
na Sampiah were known
to the Shanbogi, the
Consent of Narasamma
the co-wife of Honnamma
was necessary for the
latter's wish being given
effect to. The Supt. was
distinctly directed in
the same order that
Ramappa should
continue to do duty
of Gumasta, and that
the Shanbogi emoluments
should be equally divided
between the two co-wives.

16. In November 1846
the amildar of the late
Budihal Taluk made an
ittila to the Supt. of the
Chitaldroog Division
No. 122 stating that Gumasta
Ramappa was sick for
previous 7 months, that the
two co-wives differ in
their opinions in regard
to the selection of another
man and solicited orders
for appointing a com-
petent man being
appointed by Circar.
The Supt. called in his
order no. 109 dated 30th
November

November 1846, taken the
the statements of the two
widows as regards the
Cattimar.
17. On 9th April 1847 the
Supt. of the Ashtagram
Division issued order
No. 175 D the effect that
as Govt work suffered
owing D the want of
union between the two
widows, the work should
be got done by nominating
one Venkatagiriah D
act as recommended
by the Amildar.
18. In the Sarabaluti
Register prepared in
1846-47 Parabhava
under Chit Comm's Circular
entry has been made
D the effect that one
Share in D the Shanbogig kuchoor
was appaiyana Sanji-
-riah enjoying the office
himself; that for the other
Share Honnamma and
Narasamma widows of
Sampiah were kuchoors
that one Venkatagiriah
was doing duties
duties as gumasta.
19. On the complaints of
Honnamma, the Supt of
the

Sri sentenced & imprisoned
in Jail for 2 months.

24. In her petition dated
presented to the Superintend-
ent of the late Chittalroog
Division, the senior widow
Narasamma represented
that for the previous 15 or 16 years
she did not get her share
in the Miraasi but the whole
of it had been enjoyed
by her co-wife Storamma
and that this was against
the civil decision of 1839.
Thereupon the Superintendent
observed that had Storama-
-ma alone enjoyed the
Miraasi for 15 or 16 years
it was against the decision
and directed in order
No. 102 dated 13th February
1855 that in accordance
with the previous decree
a common gumastā
should be appointed.

in February 1855

25. Two months subsequent
to this order, that is, in April
1855, late gumastā Ramappa
returned from Jail, and
promising to behave
in future begged
that he might be given back
his gumastaship. The

Lastly

Supt. of the Chitaldroog
Division ~~accepted~~ granted his
prayer and directed
in order No. 212 dated
3rd April 1855, that the
work should be got done
by the said Ramappa.

26 On 2nd April 1855 the
Amildar of Sudihal
Taluk, in his Bill No.
277 dated 2nd April 1855
& the Superintendent of
the late Chitaldroog
Division, represented
that for the previous 16 Years
Hanumanna alone had
enjoyed the Shanbogi
Inam, that the senior
widow Narasamma
had received nothing
according to the decree,
and that ~~xx~~ Hanumanna's
Gumasta Ramappa
was a bad character
and that Therefore
~~Rejected his application~~
his nomination to the
Gumastaship was not desirable

27. In reply, the Supt. of
the late Chitaldroog
Division directed in
order No. 226 dated 27th
May 1855 stated that
Narasamma should sue

on

17

son of Mylariah referred
to in para 11 of this judge-
ment.

34. The amildar of the
Sudibal Taluk, in his
letter no. 186 dated 13th
January 1859 to the Supdt.
of the late Chitaldroog
Division, stated that
Hosmappa who had till
then performing duties
as Circar Gumasta resigned,
and that Sampiah was
fit and active, & solicited
orders for entering the
latter's name in the vara-
-ward, & for the work done
by him.

35. On 25th January 1859
the Supdt. in his order
No. 148, approved of
the same.

36. About February 1861
Narasamma the senior
widow of the Original
Inamdar Sampia
son of Veerappa died.
Her property went over to
the possession of her
adopted son Sitaramiah,
& was entered in the Inam
Register accordingly.
The co-wife Hosmamma
brought a Civil Miscellaneous
Suit representing that he

was

was not the kuckas under
sastras, that the adoption was
irregular & that himself
who had adopted regularly
was the heir & the property
of the late Narasamma.
Thereupon the Supt. of the late
Chittaloor Division put
the said Somamma in
possession of the property
of the late Narasamma
and referred Vitaramiah
the adopted son of the late
Narasamma & the civil
court.

37. Accordingly Vitaramiah as the
son of the late Narasamma
sued before the late principal
Sudder Munsiff against her
step mother Somamma
on 21st November 1861.

38. The said suit formed
the subject of full investi-
-gation in the original
suit No. 44 of 1861-62
on the file of the said Court.
It was proved that although
both the wives of the original
husband Sampreah son of
Yellappa adopted separately,
the adoption made by the
senior wife in the same gotra
in obedience the husbands
orders was accordingly by
sastra & that the adoption
made by the junior wife

of

15

on the civil side for the previous 15 years minds and directed that as Gumasta Narrappah suffered imprisonment he should be removed, that a gumasta uncommitted with either widow should be appointed by the Sircar, and the Miraasi divided between them in accordance with the decree passed in 1839.

28. Under the foregoing order one Nonnappa was appointed gumasta.

29. The said Nonnappa having expressed his unwillingness to work on a small pay, the Amildar of the Budikal Taluk in his letter No. 310 dated 6th June 1855 to the Supt. of the late Chitaldrug Division, recommended that until the time when Narasamma should cease enjoying Miraasi the gumasta Sampiah might be allowed to officiate and then a gumasta common to both might be appointed.

30. In his reply No. 241 dated 18th June 1855, the

Supt.

Supt; dis approved of the Amildar's recommendation and ordered that according to the previous order, the Grimasta unconnected with either should be appointed, and the Mirasi should be distributed between them according to the decision.

31. Narasamma again complained that she did not get Mirasi and the Amildar of the Budikal Taluk recommended in his itilla No. 149 dated 18th Nov. 1855 that Sampiah who was on the side of Narasamma who did not enjoy mirasi for 16 years, might be entered in the Banawara and allowed to perform duties.

32. The Supt. of the late Chital drug Division directed in his order no. 108 dated 21st Nov. 1855 that the ~~affair connected with the Mirasi share of each other~~ dispute regarding Mirasi should be decided before a Punchayth and a report of the result submitted.

33. On the 15th February 1856 answering the 10th Magha Mons decease of the year Rakshasa, Narasamma adopted the boy Sitaramiah

Son

of the eldest son of one of a different gotra two against Sastras. The pundits of the Court opined that according to the Hindu Law two thirds of the entire property of the original Ruckma Sampiah Son of Yellappa should go unto Sitaramiah the adopted son of Narasamma the senior wife and one third to Yellappa the adopted son of the junior wife Honnamma.

39. On 30th April 1862 the late principal Sudder Munsiff decided thus in his decree passed in that as the sons ~~of~~ adopted different boys ~~by~~ after they divided between them the property of their husband, each boy should enjoy the property of his adoptive mother.

40. The Sudder Adalat Court has heard the appeal preferred by the junior wife Honnamma against the above decision, in their decision No. 100 dated 19th December 1862 observed that there was no proof that the deceased Sampiah had

had given rules this senior wife Ramaswamma adopted her. It did it appear that the testators (D. & N.'s) gave permission, rejected the suit brought by Lakshmiah the adopted son of the senior wife and quashed the decision of the original Court.

41. In the judgment passed by the Judicial Commissioner in Special appeal no. 2 of 1863-64, preferred by the original plaintiff Lakshmiah on 31st July 1863, he (the Judl. Com.) observed that it was clear from the words of the suit that to get the property of the dispute there were no other grantees or heirs of the deceased Complaint excepting the parties to the suit in question, that by both the wives adopted after the death of their husband one could not claim superiority over the other, that each was in the same position as the other, that as it was proved that at the expostulation of Lakshmiah the adopted son of the senior wife & Plaintiff in the present suit offered to, the junior wife Ramaswamma presented him cloths, it could be concluded

5

1863/64
Special appeal
Shivaji 63
Shivaji Appeal
Commissioner
Bijapur

1866/47

to her having acquiesced in
this (adoption) & that in
consequence the suit brought
by the Plaintiff was regular
and quashed the appeal
decision of the Zillah Civil
Court, and also confirmed
the original decision of
the Principal Sudder, Munsif
The Judicial Commissioner
also ~~pronounced~~ observed that this
decision did not prevent
any grati of the deceased
Sampiah from bringing
any such questioning the
invalidity of the adoption.

42. When Barabakti
Reister was prepared a
mention was made in it
that ~~Sampiah and Sampiah~~
Simpiah and Simpiah
were performing duties
with equal luck and that
there had been no division
of the village. From the entry
his Name Sampia clearly
means the Sumasta Sampiah
referred to in para 31 of his
Judgment and not the
Original Huvida Sampia
son of Yellappa who died
in 1825-26.

43. In 1871, September 9th
Honnamma and her adopted
son Yellappa having given
executed

executed an agreement &
a Sanpiah assigning their
holy hissa in Rei Shamboga
and declaring their rights only
& receive
maintenance 15 Rs per
annum for maintenance.
The receipts shewing that they
had received accordingly
from 1875-76 are also
among the records of this
Case.

44. In 1875 Yellappa
the adopted son of Hanmamma
died -

45. In Order no. 418 dated
15th February 1876, the Dy.
Collector
the Dy. Comm. Collector
Bellary informed the Amildar
of Kudligi Taluk, that
the conduct of the Shanbogue
Shambogue Sampiah in the
case in which certain Govt.
Jodi offices were out
without the permission of
the Amildar Raja Moreshwar
was so unsatisfactory
and as to make him
unfit for Govt. service,
that he had been accordingly
removed from office
and that a competent heir
should be nominated -

46 In his letter no 3 dated
3d April 1876, the Amildar

2

of the Buddhist Priesthood, upon
the 4th. Convene. that Complain
was searching for a complete
heir, that also he was removed
from Office. he was allowed to continue
in work during the Jama-
-dy time. I clearly see
that that the (see of) mistake
had its origin origin in this
stage. Because this
dismissed Sampeah was
only Chamboque Gumasta
and not Linear Chamboque
For the nomination of
another gumasta notice
ought to have been issued
to Sitaramiah Son of
Narasama, & to Hanumanna
who were then living, & there
was no reason for issuing
a notice to gumasta Sampiah.

47. In reply to the title
objection raised by the 4th
Commissioner Chitaldroog
dated dated 15th April 1876, that
Should a competent heir be
not forthcoming till then,
a gumasta should be
appointed by the Linear.

48. Thereupon the deceased
Sampeah produced his
brother Puttaiya for recog-
nition and the Amildar

A 2

the Assistant Collector in his letter No 36 dated 27th April 1876, solicited orders for his nomination for the work.

49. In reply Mr. Armstrong the Dy. Comm. Chittagong directed in his order No. 76 dated 15th May 1876, that Puttaiy a Negro appointed on trial for 3 months. Mr. Ramanadiramy naick has examined his Puttaiya as the first defence witness in the present case.

50. On 20th May 1876 Kumaran presented a petition to the Dy. Comm. Chittagong stating that the dismissed Sampeah had been performing duties as a female but was not a hermaphrodite, that her deceased adopted son had left a son by birth aged 6 years, & that in consequence Kumaran should be made in the boy's name and the duties got done by a female of her own. This was referred to the Assistant for report.

51. During the enquiry into the case by the Assistant the

(Translation of the Inamdar General Assistt. Commr's judgment in Rev. Suit No 8 of 92-93 — continued)

Exhibit O
Ferist No 2.

4. At the Patka Polagi Settlement made by the Survey Department in the early part of 1877, the village of Nadana-nadu alone, out of the 5 villages in dispute, was made Sesle No 22 with an annual Polagi of Rs 101-12-0, and the remaining 5 villages were made Sesle Sesle No 23 with an annual Polagi of Rs 43.

No 4 J.
Ferist No 4.

5. From 14th to 18th July 1877, the Deputy Commissioner of the Chitaldrug District examined the list of Shanbhogs and Patels according to "Thara-Patti" and made a settlement. The Deputy Commissioner recognized

Exhibit J.

Ferist No 2.

the above mentioned Sanipaya,
that is, Nilabaigé on Sanipaya
as the Nakaw to the village
of Nadiamada which formed
Scale No 22, and caused Samad
No 22 dated 19th July 1877. But 19 July
recollecting that he had been
dismissed, made a remark to the effect
that a competent Jemadar
should be appointed for him.
A remark was made in the
register to the effect that
Puttaiya who had been
formerly appointed was incompetent

56. With regard to Scale Exhibit Q.
No 23 comprising the remaining Ferd-No 2.
5 villages, the deputy Commissioner
recognized Honnamma's mark
and made a remark that
she should produce a competent
Jemadar within one month.

57. On the 27th October No 2.
1877, Honnamma expressed Ferd-No 4.
her desire that Ishaiya should

25

the dismissed Shanbogue Gumasta Sampiga deposed on 12th July 1876 that Hounamma had committed his (the deponent's) nomination in 1859 under the very wish of Narasamma the senior wife the late Shanbogue Sampiga, herself being only a youth minor, and her having also transferred to him by means of an agreement her hak &. Exhibit R is the agreement referred to.

and added that she was entitled to maintenance alone —

52. The amildar of Budihal Taluk, in his letter no. 168/4 dated 26th July 1876 to the Dy. Comr. Chitaldroog District, submitted his opinion that as Hounamma had transferred her hak & Sampigah by means of an agreement and had consented to receive only maintenance, in case she did not get her maintenance regularly she wanted more than is mentioned in the agreement

agreement

agreement, she should
sue in the regular course. gb
13. In reply, Major Armstrong
the Dy. Commr. Chital-
-drong District, stated
in order dated
12th August 1876, that the
agreement executed by
Kounamma was against
the Chief Commissioner's
Circular, & was therefore
invalid, and that she
should sue in the proper
course. While the Consequences
of getting an agreement
executed against the rules
in respect of a property
should [illegible]
[illegible], I need
not say how strange
this order is which makes
the executant Kounamma
also [illegible]
[illegible]. At any rate
this Dy. Commissioner
Major Armstrong has
to some extent rectified
the error as will be
shown further on.

No 42
Serial No 4.

65. Thereupon, Mrs Sarah Manderson ~~Edgelow~~ was called on till. 31st July. 879 as for the claim of Himanmad's heirs. On that date the Assistant of Kandiah appeared, in his Office No 703. & the Deputy Commissioner of Kandiah-dang, that of the deceased Himanmad Zyllie-in-Lee-Lakshimma was ~~murdered~~ ascertained to be alive, but no notice could be served upon her, as her residence was not known, and recommended the temporary appointment of one Nagappa in behalf of Government.

66. On 7th August 1879, the Assistant Under the Deputy Commissioner of Kandiah-dang District issued Order No 811 sanctioning the appointment

of Rajappa to the office of
Shanbhog pramanik temporarily,
as recommended by the Amildar.

67. On 15th September 1873, Nos 42—50
Lakshmamma wife of the deceased Jain 204.
Yallappa, the adoption
of the deceased Hanamma,
and on 1st December 1873,
Lakshmamma wife of the deceased
Sitaramaiya adoption
of the deceased Ramamma
appeared before the Amildar
of Badami and represented
their respective claims. Sita-
ramaiya's wife Lakshmamma
prayed that a sanad may
be granted to
son, Rattaiya, elder brother of her
husband Sitaramaiya should
be appointed. Yallappa's
wife Lakshmamma represented
that she was Hanamma's
own daughter-in-law, that
the property should be made
in the name of her minor son

be made to do duty as gumasta.

58. On 6th November 1877 the Amildar of Budihal, in his report to the Deputy Commissioner of the Chitaldrug District, No 274, stated that the Gumasta Lippaiya who was chosen by Honnamma knew Government work.

59. On 27th November 1877 Major Armstrong the Deputy Commissioner of Chitaldrug issued order No 281 to the effect that Lippaiya was temporarily appointed as the Hakdar's gumasta.

No 20
Jerist No 4.

60. On 9th December 1877, Mailarayja's son Sampaiya who was recognized as Hakdar to the village of Madanmadu forming Scale No 22, represented that Kandikere Doddaiya should be allowed to do duty

No 4
L
Jerist No 4.

as his gumasta.

61. On 18th December 1877 the Amildar of Budibal reported, by letter dated 29th the said gumasta Kandikere Doddaiya's competence, to the Deputy Commissioner of Chitaldrug.

No 4/M Ferist-No 4.

62. On 7th February 1878 Major Armstrong issued order No 318 sanctioning the appointment of Kandikere Doddaiya as gumasta

No 4/M Ferist-No 4.

63. Early in 1878, Honnamma, her gumasta Lippaiya, and also Sampaiya who newly ~~got~~ got Hak to Madanamadu which formed Scale No 22, died. This Sampaiya had no issue

Nos. 21, 25; 26 & 27 and 27/A. Ferist-No 4

64. On 20th July 1878, Gumasta Doddaiya reported to the Amildar that he could not do the Shanbhogi duties of both the Scales Nos 22 and 23, and that a separate gumasta should be appointed for Singadahalli Scale, No 23.

No 21 Ferist-No 4.

certain Sayyid Abd-

71. On 26th July 1881 the Deputy-Commissioner of Shikarpur issued order No 3.6, granting the prayer of Fattaiya, grandson by the of the deceased Sarfaraz, that the Kirkirapha be allowed in lieu of the deceased man.

72. Sarfaraz again presented a petition praying that Kirkirapha should not be appointed grain according to his former request, but the Fattahmadi Kanjaris should be appointed. Thereupon on 8th October 1881 ~~[illegible]~~ the Deputy-Commissioner of Shikarpur issued order No 575 stating that his request could not be complied with by him and then, and that the previous order appointing Kirkirapha could not be altered.

73. Against the aforesaid

Pattaya appeared before the Court on 18th August 1982 and stated that, as desired by the Pattayanadi Panchayat should be appointed as pramukh.

74. On 18th August 1982, that is only 6 days after the appeal petition was presented, his wife was murdered, perhaps from the evidence of his appeal petition alone, and official Memorandum No 382 was issued from the Revenue Office directing that according to Pattaya's wishes Pattayanadi Panchayat alone should be appointed as pramukh.

75. Under this Memorandum the Deputy Commissioner of Chitaldrug issued order No 548 of 14th October 1982 to the effect that Pattayanadi Panchayat should be allowed to do work

Lakshminarasimhaiya, that is, the Defendent in the present suit, and that her gumasta should be allowed to do duty.

68. On 4th December 1880, Puttaiya brother of the deceased Sampaiya son of ~~Doraisa~~ Mailaraiya, in his petition presented to the Amildar of Bndikal, stated that he was the said Sampaiya's own younger brother, that he was formerly doing duty as the said Sampaiya's gumasta but lost the office owing to ~~confidence~~ insufficiency of knowledge of the work, that his man Doddaiya was appointed as gumasta, that Doddaiya should be removed as he failed to give him a share in the Minasi according to ~~the~~ agreement, and that the ~~Sca~~ Shanbhogi of both the Scales Viz. Nos 22 & 23

should be registered in his name.

69. After considering the above prayers, the Deputy Commissioner of Chitaldrug Mr Abdul Khadar, on 28th December 1880 issued order No 567 to the effect that Lakshmamma had no hak (or, no hak vested accrue to Lakshamma), that it appeared that she had a son by name Lakshminarasimha, and that till the proper Hakdar became competent to do the work, and came forward, the present incumbent Nagappa should continue to do duty as Government Shanbhog.

No 58 Ferist No 4.

28 Dec 80

70. On the 9th June 1881, the Deputy Commissioner of Chitaldrug dismissed the Shanbhog gumasta Doddaiya mentioned in para 62 of this judgment, as he defrauded Government of

Exhibit P Ferist No 2.

39

Read Mr Cunliffe's Answer

and stated that at the time ~~of~~ the Note was executed Mr Kaldar Singhaya, he concealed his fear that he was only an ordinary Summons, & believed that he was himself to be called and set the agility scale on his name, and ~~did~~ ~~known~~ that he became the case, for the defendant, and did.

7. The Solicitor of Chichuaqua Landed in reporting the above to the Deputy Governor of Sunken in his Letter of 6 Aug. 8. 85, expressed his opinion to the effect that the original Kaldar Gallophan Samples two boxes and this, were, the Kaldars to the Shareholders and that the Captain did not appear to have any right to detain.

St. In Krishnagiri
Read the Deputy Commissioner
of Franken decided that the
Standing Recommended
Scale Rs 2 should be granted
in the case of Lakshmamma
wife of Ramaswamy's sepoy
on Silaramaiya, and
Ranjunaiya receive the
Ten Rupees Rs 2
as granted; that Singaraiah
Sepoy Rs 3 should be granted
in the case of Lakshmamma
Simhaiya (Dept in the present
mil), and of Lakshmamma
wife of Ramamma's son
Yallappa, and a gratuity
recommended by the should
be allowed to the daily; and
that after the death of
Silaramaiya in favor Lakshmamma
the Standing Rule No 22
Revised Code to Lakshmi-
narasimhaiya (Dept in the
present mil); and he
issued order No 269 27th
July 86. From the use of several
expressions in the above order,
the said officer seems to have

and that Krishnappa should be removed. This order was carried out.

76. From October 1882 to March 1885 the same state of things continued without any change. That is, it was not settled that such and such persons were the Rejsidars in the places of Mada Baiyana Sampaiya and Honnamma who were appointed as the Rejsidars of the Shanbhogs of Scales Nos 22 & 23 respectively at the time of Pakka Potaji Settlement. But Tirthapura Ranjandaiya was doing duty as gumasta for Madanamedu Scale No 22, and Nagappa for Singarahalli Scale, No 23.

77. ~~On 23rd March 1885~~ Nagappa, gumasta for Scale No 23 died on 23rd March 1885, and on his son reporting this fact to the Amildar of Chiknayakanhalli, enquiry

about Hakdars was again commenced.

78. Lakshmamma the daughter-in-law of Ranasamma the first wife of Gallappana Sampaiya who died in 1825-26, and Lakshmamma the daughter-in-law of the second wife Honnamma reiterated their prayers, as the representatives of their respective mothers-in-law, that their names should be registered and their nominees should be appointed as gumastas. In the petition presented to the Deputy Commr of Tumkur on 2nd November 1885 Ranasamma's daughter-in-law Lakshmamma dwelt much on the fraudulent conduct of the dismissed & deceased Shanbhog gumasta Sampaiya son of Nailaraiya

between these two Sanyasigal
of one & another, name Nam

81. His decision was
fully carried into effect.
The Namadhikaryas Sri
Sri Krishnabharati Swa
sanctioned the abhisek-
hum of Krishnabharati as chief
of Sringeri Mutt
Lakshmamma, and
issued orders No 321 dated
10th December 1856.

82. Sitamahalaya wife
Lakshmamma, the Registr-
dar of the Shanthagi of
Seale No 22 died about the
month of June 1857. Puttaiya
presented a petition stating
that in the month of Novembe
or Karthika of 1856 they
adopted two, one the Plaintiff
in this suit), and praying
that the rights of the male

in his (said) name. Ijallappa's
wife Lakshmamma during
this adoption.

83. The Amildar of
Chikmagalur while reporting
the above matter to the
Deputy Commr. has stated
that the said order
order No 484 dated 17th January
1888, directing that according
to the previous decision,
the Shanbhogi of Seale is to
should be registered in the
name of Lakshmamma minor
(Deft. in the present suit)
and that Ramjundaiya
should be allowed to
duly as guardian. His
order has been carried into
effect.

84. The Plaintiff has
brought the present suit

41

had some misconception ~~misunderstanding~~ in distinguishing between the two Sampaiyas. The said order runs thus:—

"As Sampaiya son of Mailaraiya was Registered and was doing duty - it is unnecessary to go beyond him. The Hukdars after him are clearly mentioned. This Sampaiya had no sons. He had two wives Narasamma & Honnamma".

From the above passage it appears that the said officer ~~decided~~ thought that the two chief Hukdar widows namely, Narasamma and Honnamma were the wives of Sampaiya who became the so-called Registerdar at the Pakka Potagi settlement of 1877. The name of Yallappaiyana Sampaiya ~~does~~ never entered the husband of the both the parties was never entered in the Register

He might have held the
office only before 1825 in the
reign of H. H. the late
Maharaja, but not after
that year. At any rate,
it is clear evident that he was the
original Hakdar and
died in 1825–26. In
another part of the said
order the following words
are used, — "since Sitaramia
is the brother of Sampaiya.
and is also adopted by
the latter". This implies
that the said officer thought
Sampaiya the new registe-
dar of the Pakka Potagi
Settlement of 1877 to have
adopted his brother Sitaramaiya.
I think that since so many words
as I have obtained, — chiefly
the decree in Civil Original Case
No 4 of 1839 — were not before
that officer then, it was not
possible to distinguish easily

86. By the examination of the Plaintiff's witnesses the satisfactory evidence has been obtained to prove the alleged relationship, as near as may, between the original Khatedar Jallapjana Sangaya and the Plaintiff. Plaintiff's grandfather Damaya aged 40 years who is the 1st witness has deposed that Hanmaya the founder of the family had 3 sons viz, Sangaya, Damaya and Pattaya; that the first son Sangaya, on his demise, Shanmaya on his Jallapja and Jallapja on his Sangaya the husband of Annamma and Annamma; and that the line of the founder Hanmaya ceased on Damaya becoming extinct by his death. He has also stated

that the Plaintiff is the former Sarasiya's 3rd son Rattaiya's Mukkuli of the 6th degree, but he does not know the names of his father & grandfather and other details.

Another witness, Kankali Kumarasinghe aged 65 has deposed that he has heard from his father that the original Kandian Ehelepolas Sangaraja and Plaintiff's ancestors were Mukkus, but that he does not know the name of Plaintiff's grandfather &c.

Another witness Gonsalesekera aged 35, has deposed that Sangaraja husband of Kumarasinghe and Hinnahamy, and the Plaintiff's father Rattaiya are Mukkus, and that in his own Rattaiya's observe "Sitaka". This witness's age is 35. Sangaraja husband of Kumarasinghe & Hinnahamy died more than 60 years ago,

against the above order. He does not claim this Hak on the ground of adoption mentioned in para 82 of this judgment. The chief points on which his suit is based are as follows.—

1. The adoptions made by ~~Gnana~~ both the wives of Yallappana Sampaiya have been found invalid by the Civil Court ~~decisions~~

2. The defendant in this suit, who is the son of him whose adoption was invalid has no right to this Shanbhog Hak.

3. The Plaintiff alone is the Hakdar as "Dayadi" of Yallappa Sampaiya.

4. The Plaintiff is the ~~son~~ brother of Mailaraiya and Sampaiya

who held the office as Registerdar for 16 years from 1859 to 1875, and who had no issue; and he is the son of Puttaiya who was the Registerdar for 10 years up to 1886.

The Plaintiff prays ~~for~~ that for the above ~~grounds~~ reasons Shanbhogi of the the registry of the two Scales Nos 22 & 23, which is now in the name of the Defendant be cancelled and that it be made in his own name and that as he is a minor his guruda be allowed to do duty till he attains ~~Majority~~ majority.

8. The Defendant has urged that the Plaintiff is not the Jnati of the original Hakdar, Yallappana Sampaiya and that he has no right to question the validity of his (defendants') father's adoption and to get the benefit of its invalidity

the decision of the Supreme Court that the adoptions were valid with regard to the property that came to the respective shares of the two widows. No suit was filed although it was stated in the judgment that the Probate Court did not admit the adoptions to probate, and the adoptees were in undisturbed enjoyment for a long time. The Shandagi Rani came to the possession of the two villages after their husband's death, with like powers and unencumbered properties. Because, in the Civil Regular Case No 4 of 1933 of the District Court, it was decided that both of them had come

right to it; and according to this decision, it was recorded in the Consular Register of 1846 that both the brothers Kanamura and Kaneda were to the Shanghai Post. but has been changed in the police issued from the Division Office and the District Office Management to the year 1854. Therefore it is understood that, as decided by the Judicial Commissioner, the children of the two brothers and their descendants are entitled to the Shanghai according to Mitakshara. In accordance with the Law the executive order of the Headmanship Post indeed is just.

68. Any decision finding herein upon to ground of the said

Lc

Dacasamma died 30 years ago, and Honnamma died 15 years ago. Therefore it is not believable that this witness saw Puttaya observe "Sūtāka".

Another witness, Appanna Bhatta aged 56 makes only a hearsay statement that Sampaiya husband of Dacasamma and Honnamma and the Plaintiff's ancestors were "Dasarātri Jnātis", but he does not know the details of genealogy.

In the judgment in Special Appeal No 2 of 1863 in the Court of the Judicial Commissioner, it is stated that from the records then produced it was evident that the deceased Gallappa Sampaiya had no Jnatis or other Warasdars. In decreeing the valuable

immoveable property to both the parties, the Judicial Commr allowed the Jnatis, if any, to bring a suit. Yet, no Jnati has brought a suit for the last 40 years. Therefore I cannot believe that either Plaintiff, or his father Kuttaiya or his uncle Sampaiya is a near Jnati of the original Hakdar Sampaiya. My opinion on this point is fully corroborated by the statement given by the Plaintiff's own father Kuttaiya in this Court before Mr Kumarasami Naik.

87. With regard to the grounds 1 and 2 of the suit, the Judicial Commissioner did not find the adoptions made by Narasamma and Honnamma invalid. He cancelled the appeal judgment of Adalat Court and confirmed the original judgment of the Principal Munsiff,

55

70. For these reasons
I ~~pronounced~~ held the Plaintiffs
suit unproved and dismiss
it with costs.

15th January 1942
Funkar

Sd. K. Ramachandra Rao
Chief Court Commr
Funkar District

56

Revenue Regular suit (5)

No. 8 of 1892-93

In the court of the Dy. Coms.
Tamulpur District.

Ray Lacha Lon of
Puttaiya, minor
by guardian
Majore Devaiah
Mahanaiku, inclinaiku
Kally Jakati — Plaintiff

vs

Lutchminaraiu
Lya, the present
Shantagiri & minor
of the same mahana
Medu village — Defendants

(1) The Plaintiff's grand father Majoriah had three sons Lampiah (Deceased). 2- Puttaiya the father of the Plaintiff and 3 Veeranna.

(2) The said Lampiah is the senior most paternal uncle of the Plaintiff. Veeranaiah is his junior Paternal uncle. The said Lampiah had no issues, and died 18 years ago leaving a widow named Lutchamma. The plaintiff's father Puttaiya is still living.

is fully given in para 86 of this judgment. The reasons for that finding are explained in the same para.

89. With regard to ground 4 of the Plaintiffs suit, it is proved beyond any doubt from the official reports and orders mentioned in paras 28 to 35 of this judgment, that the Plaintiffs uncle Sampaiya was only a gumasta on behalf of the two widows, but not the Registered Hakdar. When Plaintiffs uncle Sampaiya was dismissed for misconduct as stated in para 45 of this judgment, the previous records showing that he was a gumasta Shanbhog were not brought to the notice of the Deputy Commissioner of Chitaldrug hence the "Gaudi Hakkum

appointing Puttaiya &
Plaintiff's father as this
Sampaiya's guardians was
~~passed~~ passed. It is evident
from the records that at
the Pakka Potaji Settlement
of 1877 ~~that~~ Plaintiff's uncle
Sampaiya became the Registered
of one scale, by concealing
the truth. This fact is expressly
admitted by the Plaintiff's
own father Puttaiya in his
deposition given in this court
on 29th August 1893. In
the said deposition he has
said, — "My brother Sampaiya
and my father were doing duty
only for Narasamma."
Therefore point No 4 which
is the chief ground of the
Plaintiff's suit, namely,
that his uncle Sampaiya
and father Puttaiya had
rights of their own, is of
no use whatever.

(3) About the year 1870 one Sanjeevaiah and the plaintiff's senior paternal uncle Sampaiah were appointed joint Shanbogues of the villages enumerated in the Schedule A, hereunto ~~[illegible]~~ annexed — Parthasarathi Pantulu — and have performed the duties. Eventually, Sanjeevaiah obtained some out of the villages & Sanjeevaiah and the five villages including Marama Reddy enumerated in Schedule B hereunto annexed to the plaintiff's senior paternal uncle Sampaiah. The registrations were also accordingly made and he was performing the duties. In 1875, the said Sampaiah having committed a small offence, was dismissed & the plaintiff's father Pentayya ~~appointed~~ appointed on Sanjeevaiah & Venkatappa was appointed Shanbogue under Huzur order no. 142 dated 6th December 1882 and was performing duties. The said order is herewith produced.

(4) Sampaiah the senior paternal uncle of the plaintiff died in 1880,

60

that the said sales referred to are invalid. That the Plaintiff's grand father Ingavah was the collateral (daya dhi) of Honnamma Narasamma & their husband Neelakanta Sampiah. The said Honnamma died. Honnamma also died in the Famine of Dhata and Eswara. Her adopted son Chikkappa had died even before her death. The ~~defendant~~ Venkatramiah son of Narasimiah ~~adopted~~ illegally adopted son is the present Defendants.

(7) The grand mother of the defendant viz the adopted mother Honnamma of the Chikkappa after the adoption of Chikkappa was declared invalid persons the Assignees of the Chitaldrug Kuricheri claiming the benefit of the Shantaji of Madanamedu. She was ordered to have recourse to a regular suit. She did not sue but died. The copy relating to this is produced herewith.

(8) She on a suit brought by Venkatramma recently.

The

the wife of Sellamiah he
adopted one of Paracanma,
for Maintenance the
Hon Dy. Comm. Trichur
District passed an order on 27th July
1886. The Case & appeal
the order is herewith produced
The order is to the following
effect.

(4) As regards the Sufficiency
does not exist shows
that Sampiah the elder
the paternal uncle of
the Plaintiff and the
appointed Manager of the
Village enumerated in
the Schedule B, as was
the same man that was
the husband of Paracanma
and Paracanma and
died prior to 1865, the
Officer held a different
opinion and decided
that Sellamiah the husband
of Lekshmanma was the
adopted son of Paracanma,
that Pichappa the father of
the defendant was the natural
son of Thommanma, that
Sampiah the husband of
Paracanma and Thommanma
was the registered, that
the heir of the Manager
was not a Case with him,

that

58

he had no other heirs except the plaintiffs father Puttaya

(5) & Sampiah a collateral of the Plaintiffs grandfather Mylapiah had no issue but had two wives, the first wife being named Narasamma and the second Hounamma. While these two were living the said Sampiah died. Thereupon the two widows divided between them effects & moveable and as well as the immoveable properties of the deceased and were enjoying the same. The second wife Hounamma of the said Sampiah adopted her brothers son Yellappa of a different gotra. The first wife Narasamma adopted Sellaramiah the second son of Mylarpah the paternal Plaintiffs grandfather and a collateral of her husband!! In original suit no. 44 of 1862 on the file of the principal District Munsiffs of Chitaldroog Division, the said Sellaramiah adopted 1st plaintiff and his father Mylarpah as 2nd Plaintiffs, sued Yellappa & Hounamma for Narasamma's share

in

appeal to the Huzur
adalut Court. The said
suit was resulted in favor
of Seetaramiah. Hanumma
thereupon complete appeals
to the Huzur adalut Court.
The additions made by
both Hanumma and
Narasamma were both
decided to be against
the Sastra. Thereupon the
original plaintiff Seeta-
-ramiah appeals to the
Judicial Commissioner
of Mysore. That Court
decided on 31st July 1863
in a special appeal no. 2
of 1863-64 to the effect
that the properties referred
to in the suit instituted
by and which had
come over to the share
of Narasamma without
distinguishing the part of
her husband's collaterals
should go over to Seetaramiah
Seetaramiah + that the
decision did not prevent
any suit that might be
brought by the collaterals
of Sampiah. The decision
above referred to settled

that

62

that the above named
adopted sons had served
the two other brothers
of the said Sampiah Re
Shantoji but also should
for ever Do them and their
heirs, that the Shantoji
of Madanamedu should
be rejected in the name
Lutchumma & that of
of Allaramia & that of
the other villages in the
name of the defendant,
and also that after
Lutchumma death the
Shantoji of Madanamedu
also should go over to
the defendant. He was
further of opinion that
the Plaintiffs father
Puttaiyah had been
dismissed. The said
Puttaiyah was not re
instated man. After
his decease to the Sampiah
was dismissed, the
Plaintiffs father Puttaiah
was the eldest & he
was accordingly registered
The order in question was
clearly evidently passed
without reference to the
records relating to
this. The Puttaiya father of the
minor Plaintiff, has
given room to the said

Lutchumma

Lutchmanna being appointed
and has not his Certificate
from in 1886, and has before
given the Plaintiff in action
the said Lutchmanna.
Sometime after this action
she died. Therefore in accordance
with the prayer raised in
above the Registration
Ordered on 23rd January
1888, that the Plaintiff
of Maraparedu Patna
Village should be registered
in the name of the defendant.
I produce records and
of orders relating to this.
(10) I produced a petition
stating that the Plaintiff
father Portaiya had given
the Plaintiff in action
to the late Lutchmanna
and praying that the
Plaintiff that had not registered
in her name, should be
registered in the name
of the Plaintiff. No action
was taken upon it.
11. Admitting that the
Defendant Mr. Krishna
Pantulu was elected on the
date that the Plaintiff
of the villages enumerated
in Schedule B had
belonged to the late
the late Venkatesh the
husband

husband of Ramanna and Karasanna, As per directions of Epilappa the father of the defendant and Selvaraniah the minor of Lutchanna had been declared till such time by the Court, these illegitimate children had not been heirs of the said Vampiriah and therefore the registration itself in their names was unreasonable.

(12). Although Puttanna the father of the plaintiff was the hereditary officer he has lost his right by his indifference and has also failed to discharge the duties he ought. Even after the said Puttanna lost his appointment in any way, the rightful heirs are entitled to succeed to his hereditary appointment. At present the plaintiff alone is the minor herein existent. Hence the plaintiff's suit.

(13) The following are the reasons that show that the plaintiff is

the

the evidence in any way
to the advantage of the
villages mentioned in
Schedule B.

(i) The Plaintiff is the
heir presumptive to Plaintiff
Linir Paternal uncle,
D. Palitha, his parents
brother, as well as of
Lecturer and is entitled
Law of Primogeniture.

(ii) The Plaintiff is the
collateral heir (Dayadi Sodhya)
of the late Karaduma &
Hornamma and their
husband Sumbiah.

(iii) The said Plaintiff
is the ~~heir~~ adopted son
of Lecturer the
wife of the adopted
son of the daughter-in-law
of the late Karaduma.

(iv) Also in the Civil Courts
the adoptions made by
Karaduma and
Hornamma had
been declared invalid
and the decision
appealed against
declaring the heirs of
the collateral (dayadi)
the Plaintiff is the
Chief among such heirs.

(v) Whereas the said
Shandagi of the villages
mentioned

mentioned in Schedule
B. had belonged to the
late Sampeah Nehar-
band of Hovenamma &
Nuwasamma, or to
Sampeah son of Weyland
the senior paternal
uncle of the Plaintiff,
the Plaintiff is the
hereditary incumbent
such (vide Exhibit A)

(vi) Sampeah the senior
Paternal uncle of
the Plaintiff had been
continuously performing
& performed duties
as such for a period of
16 years from 1859
to 1875 and. Thereafter
the Plaintiff's father
Puttaiya continued
the aforesaid for
10 years until 1886
the duties however
being performed
by a servant.
The Shanbogi had
remained in the
undisturbed possession & enjoy-
-ment of the Plaintiffs
uncle & his father
for a period of
26 years in all.
They were both hereditary
and registered as.
Therefore is the Plaintiff
hereditary.

(VIII) The Defendant Jethya Da Defendant No. 1, has no connection with the suit property. The Plaintiff has been the son of one whose adoption has been declared invalid and is not entitled to the least benefit.

(VIIII) If the adoption of Gellappa was declared in the Courts as invalid should receive recognition the adoption of the Plaintiff by which same should receive equal recognition. Even if not the Plaintiff is the proper Defendant.

(15) (Should be (14) — SWR —) The cause of action arose from the date of order dated 27th July 1886 and also order No. 484 dated 17th January 1888.

Prayer

That the Plaintiffs name may be entered in the Shanbogi Register of the villages enumerated in Schedule B. annexed to this, that the name of the defendant that has now been entered in the same may be removed

removed Rectors,
that he orders passed
in pursuance of
the decisions of Mr.
Kirkpatrick now dated
27 July 1886, and 17 January
1888 may be quashed for
the reasons given above,
that the defendant who
has acquired the tenancy
of hereditaments named in
Schedule B and the
above order, may be
made to give up his
possession with the
office, that until the
plaintiff attains his
majority the duties of
Meshambogi Office
may be got performed
a competent person
appointed by Court,
that his Shambogi office
may be delivered up
to the Plaintiff as soon
as he attains majority,
that the said Plaintiff
do get cost in this Court
may be ordered
to be paid to him by
the defendant, and that
a judgement may be
passed

proceed pending the
Plaintiff shall be which
sought herein.

Solemn declaration.

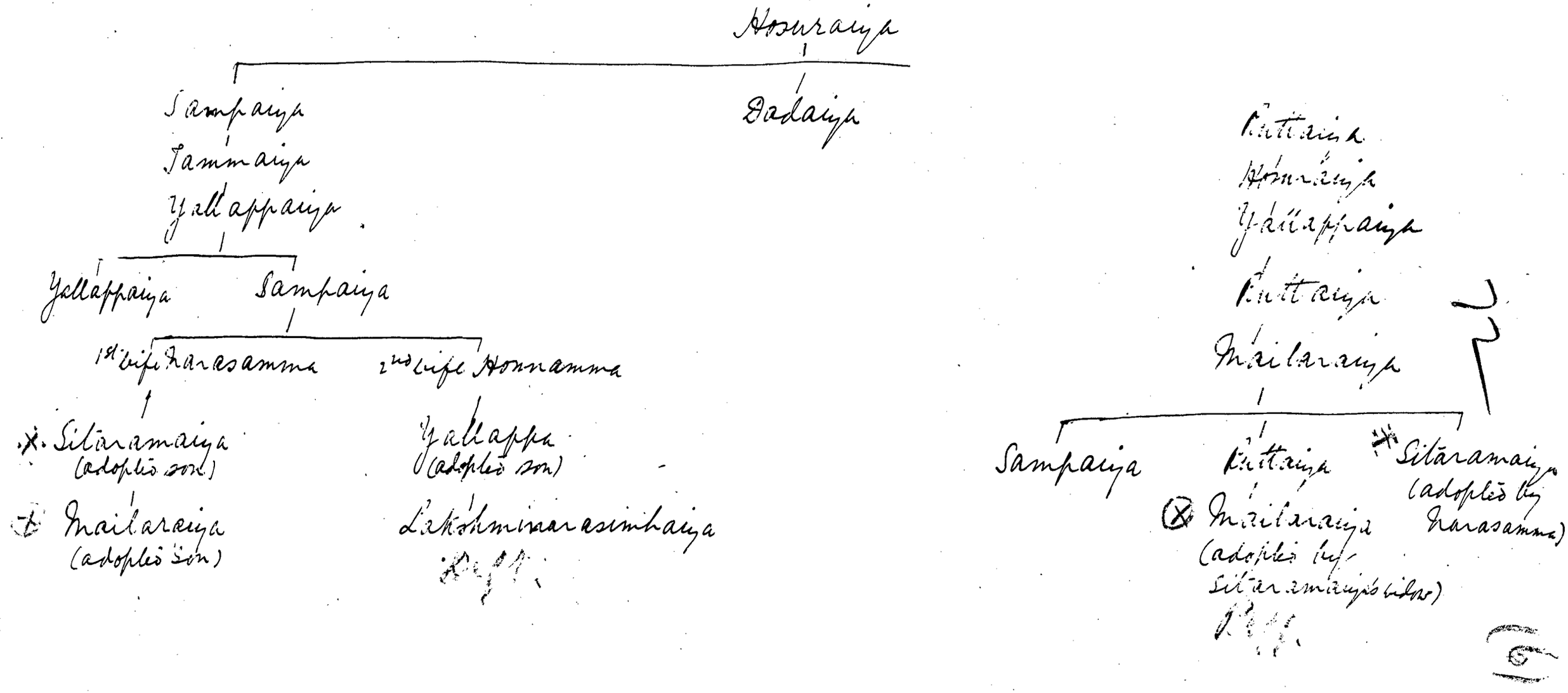
I the said Devanah
Venkatachalam the next friend and
guardian of the Plaintiff
do hereby affirm that
everything written in this
is so far as I know and
believe, true.

(Signed) Devanah
next friend and guardian
of the Plaintiff

I have also herewith
produced copies of the
Plaint & Schedule for
delivery to the defendant.

(Signed) Devanah.
Well-wisher & guardian
of the Plaintiff

Genealogical Table produced by Plaintiff (Exh. A.)



(7)

Appeal No

A.H.L

Resp:

Lakshmanarasimha

Malavara

The original Hakdar of the 5 villages sued in the Inquiry was one Gallappian Sampra who died in 1826 leaving two widows Narasamma & Honnamma. Each of them adopted a son - Narasamma adopted Ittaramma, the Respondent of the Res 1st, & Honnama adopted appellants father. The Names of the adopted sons were not registered, the registry stood in the names of the widows, & Pymashas were done dakes. In a Civil Suit regarding personal property, the Court observed in 1860, that both the adoptions were invalid but that the

1 Mallappa
Res-1-2
4 Villages
No 25
1 Lingappa
2 Basavalingappa
3 Nanjundappa
4 Kempaiah
25

70

In the Court of the
Dy. Commr. Tumkur.
District.

Orgl: Suit No. of

Mylanikkon s/o
Puttaiya, minor
by his elder brother
& guardian
Mylne Gurunath
Madanamoni village
Chickanakenhalli Taluk. } Plaintiff

Lakshminarasimah
son of the late
Yellappa & the
present Shanbogh
residing in the same
village Madanamoni } Defd.

The Schedule produced by
the Plaintiff

A.

The villages attached to the
Chickanakenhally Taluk

1. Madanamedu
2. Kottigalla
3. Linaselahalli
4. Lingondahalli
5. Timlapura
6. Hosahalli.
7. Punaenahalli
8. Balekona.
9. Akkanahalli
10. Janehar.
11. Kanike halu.
12. Harogondanahalli.

P.T.O

B.

The Shanbogi villages in dispute, attached to the Kandikere Samasthana Chickenaikenhalli Taluk -

1. Marana Mathe
2. Lingadahalli
3. Basavanahalli
4. Timlapur
5. Kottigalla

Total 5 villages

28. 4. 1891

(Signed) Devaiah
Defendant and guardian
of the Plaintiff -

property of the widow might be enjoyed by them respectively adopted sons, without prejudice to the rights of third parties if any.— The Shanbhogi duties continued to be performed by the gumastas.— Narasamma died in 1861 & Honnamma in 1877.— ~~In the Pattka Pooja Kabbood also both places~~ In ~~1876~~, 1871, Appt's father & his adoptive mother Honnamma executed a document in favor of one Sampia, another uncle of Respts— admitting her half right in the Shanbhogi & making over to them the other half of them on the condition of her paying Honnamma, a maintenance of Rs 15 a year.— The Dy Comr to whom the document was sent observed that the alienation was contrary to orders, & remarked that if Honnamma had any claims, he must the must establish them ~~in a court of law~~. by a regular suit— In the Potagi settlement both places in 1877, ~~the Hattaroo~~ Village No 1 was registered in the name of Sampia Respts' uncle, & the other 4 villages in the name of Honnamma, gumastas being appointed to do duties.— But in 1886, on the complaint of the widow of Setaramaiya, the adopted son of Narasamma, the Dy Comr ~~ordered~~

77

allappan Sampia was the
Vaigai Hereditary. He died in 1825 leaving
two sons named
1 Narasamma
2 Honnamma.

Their names appear in the Rent roll of 1846-47.
A remark is entered in the Rent roll that the widows
having failed to nominate a gumasta, one
Venkatagiri Iyer was appointed by Govt as gumasta.
In 1847, on the petition of the
2 widows, Venkatagiri Iyer was removed & Narasappa
appointed. In 1848, Venkatappa was appointed
at the request of both the widows. A few months after,
Venkatappa was removed on a complaint of the 2 widows &
Narasappa appointed. He died about Dec 1854, when
he was dismissed convicted & dismissed. In
1855, Narasappa was again appointed as gumasta
of both the widows. Shortly afterwards one Honnappa
was appointed as gumasta of both the widows. He resigned
In 1859 Sampia was appointed gumasta by Govt in
in 1861, & the 2 widow was recognised as the sole Hereditary

16

This is a suit brought for the recovery of the Shamba of Madawineke and Lugatali Fikas (Nos 22 and 23) Chiekunga kan Lalli Salaya Tumbuka Dt.

Plaintiffs allege that Yellapagama Sambaya was the last male holder of the office in question that he is his "bayali" while Deft is the son of a person illegally taken in adoption by Hamamma after the death and without the Consent of her husband Y. Sambaya) and that besides he is the brother born of Maidaciyamba Sambaya in whose name the offices was registered from 1859 to 1875 and the son of Pattaiya who was the registered holder for a period of 16 years ending 1886

observed that A read
Hackoam were (1) the
widow of Asharamiah the
adopted son of Narasamma, &
(2.) the appellant brother of the
adopted son of Honnamma & x
ordered that villages Nos 1 there
be registered in the name of
the widow of Asharamiah
& the other villages in the names
of the appts & Ret on the death
of the former, all the villages
there be registered in the
name of the appt. In 1887,
Asharamiah's widow died
& all the villages were registered
in the name of the appt. In
1891 Resps brought a suit
for the recovery of the office in
all the villages, not on the ground
of the document of alienation
of 1871 executed by Honnamma
& her adopted son, but on the
ground that he was a grandson
of the two widows Narasamma

& Honnamma & also on the ground that Gende Sampa was the legislative Shanbhog. The Asst Const ~~who fully considered the case~~ disallowed the claim on the ground that the Respts uncle had no right whatever to the office & that the decision of the Dy Const issued in 1886 was equitable, but the Dy Const set aside the Decree on the ground that the Dy Const's order issued in 1886 whose assigned Asst was wrong, & directed that the subsequent mutation in pursuance of the Patel's petition stand. The appeal is against the Decree.—

that the claim of Respts Riswanship to the watan was not proved

~~Same as~~ ~~the~~ ~~Counsel~~ ~~for~~ proving her title to the office rests on the Respt who brought the suit but he has in no way succeeded in establishing her right. Even admitting the adoption of Ishwarappa Respt & not her heir at law the Dy Const's order of 1886 was just

& Honnamma & also on the ground that Gende Sampa was the legislative Shanbhog. The Asst Const ~~who fully considered the case~~ disallowed the claim on the ground that the Respts uncle had no right whatever to the office & that the decision of the Dy Const issued in 1886 was equitable, but the Dy Const set aside the Decree on the ground that the Dy Const's order issued in 1886 whose assigned Asst was wrong, & directed that the subsequent mutation in pursuance of the Patel's petition stand. The appeal is against the Decree.—

that the claim of Respts Riswanship to the watan was not proved

~~Same as~~ ~~the~~ ~~Counsel~~ ~~for~~ proving her title to the office rests on the Respt who brought the suit but he has in no way succeeded in establishing her right. Even admitting the adoption of Ishwarappa Respt & not her heir at law the Dy Const's order of 1886 was just

Defendants' pleas are that Plaintiff is not a Citizen of Pennsylvania & that Plaintiff has no right to question his father's adoption and that Plaintiff has no right to affirm the question.

The following issues were framed:—

52 Pottawatomie 1825–30
Puyallup 1830–39
Squaxin 1841–46
Cowlitz 46–48
Nisqually 48–54
Nooksack 56–57
Lummi Samish 59–73

Samamish
died about 1844. Ha-
lamma adopted
Yelkaffa in 1844 and
Squalamma adopted
Siberamish in 1856.
Nasasamma died in 1861
~~Yelk~~ Hamamma in 1878
~~Yelkaff~~ Siberamish
Smetlum began 1879 and
Yellaffa in 1875. Sita-
Jamish left Lummi
him a bridge named
Lakshamamma Yellaffa
a bridge also called
Lakshamamma and a
Lakshim Nasasamish-

In 1866 Siberamish
accepted a tract of land

Hanumanna was
required as Bahadur
and Lingaya appointed
as her Jumadar.
After Policy Settlement
one Doddaya was
appointed Jumadar
of Scale no 23 at Rs.
Sambrik's request.

In 1878 both
Hanumanna and her
Jumadar Lingaya
having died; one
Nagappa was appointed
Jumadar for Scale no
23 in his place.

In 1881 Doddaya
was dismissed and
one Krishnappa appointed
Jumadar on behalf
of Puttaya, younger brother
of deceased Mr Sambaji
Subsequently in 1882,
Krishnappa was removed
and Ramundaya

illegal. The Coroner
United Kingdom be
left in Stalybridge to keep
there in 1885. On the
other points, he was
not. expressed any opinion

The history of the
Case as traced by the
Asst Coroner is this:—

Jellappagaru
Samuel Appagaru
Savarimuttu were found
hanging of the Shanthap.
of the Malgamally estate
Ulapane. Samuel
died in Parkeria hospital
1865 26 leaving
behind him his first wife
Sankarapillai and two
children Thangamma age
Thangamma. After his
death the following
persons were duly
duty as Samuels fat
the children:—

8

Tullamus 1825–30
Tuylerie 1880–89
Tonaquppa 1841–46
Tonaquppa 46–48
Tonaquppa 48–54
Tonaquppa 56–59
Tonaquppa 59–75

Tuylerie Tumbich

Tuckhamus died about 1864. Hannia adopted Yellapah in 1844 and Tuckhamus adopted Tuckhamus died in 1856. Tuckhamus died in 1861 Hannia in 1878 Yellapah Tuckhamus Tuckhamus before 1879 and Yellapah in 1875. Tuckhamus left behind him a widow named Tuckhamus & Yellapah a widow also called Tuckhamus and a son Tuckhamus

In 1876 Tuckhamus brought a suit against

Pellappa in the Court of
the Principal Sudder Ameen
in the recovery of his adoptive
mother's property, as the
Executive ordered that
the property of Narasamma
(who died in 1861) should
go over to Hanumamma,
the adopting mother.
~~Appeal~~ It was finally
decided by the Judicial
Commissioner that Lak adopted
Son should take possession
of his ~~the~~ adoptive mother's
properties.

In the year 1876,
Sambaiya who was
doing duties as Gumastah
was ~~Promoted~~ Removed
from office as he was
found to be dishonest.
The Authorities gave him
the choice to appoint a
Gumastah, apparently
forgetting that
Venkamma and Hanumamma

as the Registrar
used the proper persons
to be Constables &c
M. Sambaiya regard
his duties satisfa
torily & was appointed
Permanent

In the year 1877
Public Settlement
took place. Five
villages were formed
into one Scale and
Sanjeeva as Register
as before. The
remaining five villages
Madanahalli was
Constituted a separate
Scale (No 22) and
Malaiya was
was Registered as
Bandaradar. The
other five villages
were Constituted as
Scale No 23.

Appointed at Petitioners request -

Nagappa, Gumastal
In Scale No 23 died on
23 March 1885 - The
two Lakshmamma's
represented their Claims
and pointed out that
Scale No 22 belonging
to their family was
registered in the name
of M. Sambaya a de-
Misrepresentation through
he was also a Gumastah -

The Deputy Commr
on 27th June 1886
ordered that Scale No
22 should be registered
in the name of Lakshmamma
widow of Subramanian
and Scale No 23 in the
name of Lakshmi Narasim-
mah; and that on the death

right, whether the
Dy Crimr was justified
in not going into the
merits of the case and
in allowing the suit
because the order
sought to be set aside
was ~~an order~~ ~~passed~~
an executive one.

(2) whether Plaintiff
is a Cognate of
Yellappagowda Sambaiya

(3) whether Malanaigowda
Sambaiya and Puttaiya
were Joint tenants
& take by survivorship
Scale No 22.

Plaintiff claims
both the Scales 22 and
23. His father & uncle
never performed the
duties of the office of
Scale No 23 either in

of the former, Lyle
No. 22 should be
entered in Lakshmi-
kanta Ramanuja's name

Lakshmi's wife
died in June 1887.
Pattaya claimed the
Registry of the Shambaji
of Lyle No 22 in the name
of his son Mylanah, as
Lakshmana's head
adopted heir in Nov 1886.
The Dy Comm ordered on 7 June 1888
the Registry to be made
in the name of Lakshmi-
kanta.

Hence the suit
on behalf of Mylanah.

The questions for
determination are
(1) Plaintiff, having
brought a Regular
Suit to establish his

right, whether the
Dy Crimr was justified
in not going into the
merits of the case and
in allowing the suit
because the order
sought to be set aside
was ~~an order~~ ~~passed~~
an executive one.

(2) whether Plaintiff
is a Cognate of
Yellappagowda Sambaiya

(3) whether Malanaigowda
Sambaiya and Puttaiya
were Joint tenants
& take by survivorship
Scale No 22.

Plaintiff claims
both the Scales 22 and
23. His father & uncle
never performed the
duties of the office of
Scale No 23 either in

in their own right or
as Executors. His
claim to sale to 23 Cts
therefore ~~succeed~~ prevail
only if he proves that
he is a Pakki and as such
he is preferred to Defts.

Regarding his
relationship, Plaintiff
Examined (1) Devaraj a (1st witness)
(2) Venkatasamaiya Jos,
(3) Gopalakrishna
(4) Appanna Chetty
The evidence of 2 and 4 is
more hearsay. (1) States that
Plaintiff is Pallappaiyan a
Sambaiya Dayadi, but
does not state how.
(3) States that he has
seen Puttaiya (Pltff
father) observe Sutaka.
His witness is disbelieved
by the Court Coomar as the
witness is only 35 years of

90

while Lambaya
died 60 years ago,
Maria Sabina died
30 years ago -

In 1863 the Jud
Comm said in his
judgment that if any
Nabi of G. Lambaya
disputed the adoptions
Letourneux and
Yellappin, they were
at liberty to file suits
to cancel the adoptions.
No such suit has
been brought. This could
lead to the inference
that No one is now
a Nayak, especially
as it is seen that
Rs 1000 Lambaya
was appointed a Jemadar
Vice No 22 and was
performing the duties
as such in 1863

As regards the
question whether Lambeth
and Battersea were burghs,
Burdekin, Auditor's letter
No 186 dated 13 January
1859 and Chittaldroog
Collr's order No 148 dated
25 January 1859 make
it clear that Nyloriamah
Lambeth was a Pymaish
and nothing more
During the Voting
Settlement 1877
Lambeth seems to have
been recognized as burgh,
but this was apparently
due to misrepresentations
on the part of Lambeth.
There is no entry in any
Court Register showing
Mr Lambeth's appointment
to the office as burgh

92

~~Duplicate~~

In 1877 Jr. Lambaya was replaced as Headchief of Circle No 22. In June 1897 Puttaiya, brother of Jr. Lambaya who was the Replaced holder was deprived.

Yellappayya, Lambaiya's brother was in possession of the Office through Quarterly from 1825 - till ~~1870~~ 1877. They are in possession of Circle No 23 - even now

Vagi Patti prepared in the Survey Department,
year ~~Cascabadi~~ 1877-78 (12)

	Remarks.
93	(46)

is man is dismissed for bad conduct. Since Buttaiya
s had been appointed on probation appears to be utterly
competent, Sampaiya has been asked to produce a
mpetent gumasta within a month from this date. If
is gumasta appears to be competent, he will be appointed. If he is
competent, one will be appointed on behalf of Govt.

Order No 267 of 17. 9. 79 has been received to the effect
that Doddaiya is appointed Shanbhog on behalf of Govt.

Order No $\frac{548}{691}$ of 14. 10. 82 has been received, to the effect
that one Ranjundaiya is appointed as desired by Buttaiya.

Order No $\frac{269}{434}$ of 27. 7. 86 from the Dy Commr of Tumkur
to the effect that ~~Ranjundaiya himself should do the duty~~
Shanbhogi of Madanamada should be registered
in the name Sitaramaiya's wife Lakshamma, & that
Ranjundaiya himself should do duty.

She is dead. Lakshminarasimhaiya in her place. Distn
order No 494 of $\frac{}{25}$. 1. 87. Ranjundaiya should be gumasta 27. 1. 88
Instd K. C. (?).

---

a wife of Sampaiya mentioned in the register of 47 has come
asks for ~~Hak~~ Hak. It appears that Sanjivaiya said to be
of another Haka

Shanbhogi Register of Kandikere Taluk, Chikaldevy Inkkadi for the year Pramadha

93

~~Number~~	Number	Name of the Hakdar	Name of the person enjoying the office	Reason for enjoying	Name of the person doing Sarkar work at present	Names of the villages in the enjoyment of these.
		1 Appaiyana Sanjivaiya	Appaiyana Sanjivaiya	Since he is Hakdar.	His gumasta Venkatagiraiya	Kasaba Madanahalli Narikeladalu Singadahalli Sindajinna Kadasiddahalli Kotipalya Jakkanna Ramenahalli
		~~Venkatagiraiya~~ 2 Sanjivaiya's wives Hakdaru Ma & Honnamma. 2 persons.	Venkatagiraiya	Since the said Sanjivaiya did not nominate, as directed in the former order, me gumasta on behalf of both of them, Venkatagiraiya gumasta for the other share is appointed on behalf of Govt, under the present order from Huzur.	Do	

9.

(vide the guardians' petn
of 25th Jany (1892) that undefended
the adoption he was, by
reason of his relationship
to the said Isabella, and
to wish.

We deem it essential,
for the right determination
of this appeal, to ascertain
whether as a matter of
fact T.H. was the adopted
of the dec'd Sethamanchi. under

The first rule to be
remarked is the C of Just.
Just. for trial of the
above cause. The said cause
taken with the Pet on the part of
the resp' to the first petition for
a month from date of
recd of this order

1891

va (1846-47), showing the full particulars of lands, Aya, Inyam &c appertaining to the office

Page	Remarks.
1-	In the year Vikari, Mailaraiya alieas Gnani of Nakkan Sampaiya was appointed to one Shana. Subsequently, in the year Plava, on account of dissensions between this Mailaraiya and Virupoji, he rendered Razinama and was also dismissed under the Huzur order directing his dismissal. An order was received to the effect that both the wives of Nakkan Sampaiya having made division, should nominate one Shanbhog on behalf of both. But since Ranasamma was absent, Arzi was submitted for the appointment of the junior wife Honnamma's man, Ranangappa, and according to the orders received, he did duty for some time, but failing to be according to the wishes of both, he left the office and went away. A Shanbhog was not nominated with the consent of both the widows, owing to Huzur Vele solicited to appoint Venkatajiraiya, Sumasta for the other share, to do work for the present, and order was received to the effect that he should be appointed as an acting Shanbhog and made to do the work. He is doing duty under this order.

Register showing the Service of Shanbhogs in the Budihal Taluk, Chitaldrug District
Nagar Division. November 1883, Kudhirodgari

(11)

Baravadar's name	Name of the person doing duty at present	Relationship between the Baravadar & the officiator	Date from which he is doing duty	Villages	Pay as per Baravad. Rs	as	ps	Persons doing duty without pay, but with Inam lands &c &c
Sanmel-Madana-Nayka.								
Shanbhogs			On 15th Jany 1862		0	9	0	
Sanjivaiya	Ditto	0		11				0.
Sanjivaiya / 2			On 15th Jany 1880		0	10	0	

Family Settlement Village Lands and that the Village lands had been joined with those Villages. The Superintendent stated further that a complete Plan out of Scale to be the Section of Ground of the Complaint, the Defendant's Village Lands ——— that the State stating the said Superintendent did not the Village Lands and that the Village Lands had been laid out to be allotted, but that several Persons claiming any Ground included in the said Survey, and ~~Deceased~~ claiming Villages to the said Plan the Ground, Order No 1 of 17th May is recited to the effect that the said Register is appointed Temporarily.

Order No 567 of 28th Nov. 86 is recited from which it appears to the effect that the Surveyor of the Village should be taken from Register.

Order No 175 of 3rd Dec 86 is recited to the effect that the Work should be taken for the present from Assistant Surveyor Kirkpatrick. Three

Summons & Answers Order No 581 of 10th Dec 86 directing Register to be made in the Name of Administrator and Son of Deceased Defendant Register.

20. 12. 86

Initialled K. C.

Remarks.

This man is dismissed for bad conduct. Since Pattaya who had been appointed in position appears to be utterly incompetent, Sampigi has been asked to procure a competent pundit within a month from the date of the pundit's appointment, he will be appointed. If he is incompetent, he will be appointed in place of Pattaya.

---Order No 267 of 17. 7. 78 has been received to the effect that Subbaiya is appointed Munsiff in place of Pattaya.

Order No 545/691 of 14. 10. 78 has been received to the effect that the Rajamundry is appointed as desired by Pattaya.

Order No 26a/434 of 27. 7. 80 from the Secretary of Government to the effect that Subbaiya Munsiff should be transferred to the Munsiff of Rajamundry should be received in the name Subbaramayya Appa Venkatramayya that Rajamundry should be styled.

---She is dead. Lakshminarasimhayya is the pleader. Order No 44/25 of 1. 8. 81. Rajamundry should be punished 27. 1. 81 Said K. C. (8).

[illegible] of Sampigi mentioned in the letter of [illegible] has come to [illegible] appears that Sampigi of another [illegible]

Jamabandi Patti of Shanbhog prepared in accordance with
of the Bastikal Taluk, Chitaldrug Division,

Name of the Circle	Shanbhogs doing duty in the Circle		No.	Villages not settled	Name of the Amildar appointed
	Shanbhog's name	Names of the villages		Names of the villages	
Kandikere	Pattaya, officiating. Hukkar Sanjiraya is dismissed under orders.	5 Badanemadi	1	Badanemadi	Sanjiraya in Hailu
		6 Kotigallu		11-12-3	
		7 Basavidalli		No 22.	
		8 Singadahalli			
		9 Timlapura			
		10 Hargondanahalli			
			1	Kotigallu	
			2	Basavidalli	Hanumana
			3	Singadahalli	
			4	Timlapura	forward as
				May 43. No 43	

(vide the guardian's petn
of 23rd Jany 1892) that undefended
the adoption be made,
& that this relationship
& the usual habitation, out
to subsist.

We deem it essential,
for the right determination
of this appeal, to ascertain
whether as a matter of
fact T.H.M. was at the date
of the deed of settlement & order made

The first rule be
remanded to the Chief
Justice for trial of the
above issue. The said deed
taken with the case
to be sent to this Court
a month from date of
recd of this order.

Appeal No 70 of 1893-94

Appt
Lakshmi narasimha
of
represented by
Mr Narayanan
advocate.

Respt
Madanah
minor by
his guardian
Devaiah.
represented by
Mr Rameswara
Ayyar
advocate

~~This is an appeal against the Decree of the~~

Respt brought a suit in 1891 for the recovery of the office of Shanbog in the Madanayakanahalli & Singasandra Villages from the appt. The Asst Comr who heard the case dismissed it on the ground that the Respt failed to establish his title. On appeal the Dy Comr modified the decision of the Lower Court & decreed that the state of things which existed ~~at the time~~ in 1886 ~~when the suit was~~ should continue, because in that year, the Respt

who was in possession of the Madras Hs
Jetha was by a summary order of the Hon
Dy Coll, which in the opinion of the present
Dy Coll was illegal. The appeal is
against the Decree. —

Court observed that as there was no
suit brought under sec 9 of the Specific
Relief Act, the reason assigned by the
Dy Coll for modifying the Decree of the
Lower Court does not hold good. When
a Plaintiff seeks to recover possession of
his stock in trade he is required to prove
his title by whatsoever manner he
might have lost his possession. The
Dy Coll is therefore requested to re-hear
the case & pass a fresh Decree on its merits
without reference to the order of the Dy Coll's
order of 1886. —

LL

9/9/94

Appeal upheld that the
Case has been remanded to the Dy Coll
for a fresh decision on the merits of the case
LL

The two principal couplets
comp. the following rules from the
Qanoon Kaphal and the last second
of the Qanoon Kaphal in the Calcutta
which ended with the Qanoon Kaphal
Qadi on the 1st No 2 year, &c. —

The original Section of the
Qanoon in question was one of Sanjaya
who died in 1830, '26 — he left two
Queens, two males named

Narayanmal (No 1

Hanumanmal (No 2)

No 1 adopted one Seetaramal son of
Sujanmal and No 2 adopted one
Yellaphal — The said Seetaramal had
besides Seetaramal two other
sons named Pattaji and Ramdas
After the death of Seetaramal which
took place in the latter Sujanmal
performed the duties of the office for
sometime and in 1st a Sanad was
granted by Hanumanmal and he adopted
one Yellaphal in favor of Ramdas

the natural father of the present P.W.

7. In 1886 there was a dispute between Yellappahs' widow Lakshmamah and Seetharamiahs' widow also named Lakshmamah, when the Court decided, on 26th July 1886, that N° 22 should be registered in the name of the late Seetharamiahs' widow and N° 23 in the name of Yellappahs' son Lakshmi narasimha the present P.W., and that, on the death of Seetharamiahs' widow, N° 22 should also be reg^d in P.W.'s name. In Nov 1886 Seetharamiahs' widow Lakshmamah adopted P.W. Anjaneah son of Venkatah. In June 1887 the said Lakshmamah died and, on the 17th idem, the Court ordered that N° 22 shd be reg^d in the name of P.W. It is this order which has given rise to the present suit.

8. P.W., who is a minor represented by his natural father Anjaneah, sues Defts N° 22 & 23 on the ground that he is entitled to both the Caveles —

106

9 the family ancient
ment above referred to,
the Pakka Pokye settlement,
the decree of the first Court
in 1862/63, and the subsist-
ence enjoyment by
Off and his late father
Yillatpoh and Hounamma
of Circle N° 23, all of
Off's own Layoy claim
in N° 23. The said, as
regards this circle, and,
therefore, he dismissed.
For the same reasons
it must be held that
Off has no right to
claim N° 22, which was
expressly vested in Nara
samma & Seethamma
and not separately enjoyed
by them and, subsequent
to the death of Seethamma
vested in Sampiah under
the Kanai of 1871 -
Pakka Pokye Settlement
Sampiah, whether he
was Nara Sampiahs nephew or an

occupying the upper & half chamber and occupying three upper & the other half chamber during the Polish Settlement in 1873. The Karen was virtually occupied and also upon and the chief dwelled and the (No 22 No 23) - No 22 was confined in Campbell's name and No 23 in Ramamuthi's name. Each occupied the same farm in her and Campbell's death in 1878 thereafter upon same; but Campbell's estate Patent included the entire connected with Chief No 22 to many due to remarkable that Ramamuthi's entire settlement adopted Patterns on Mayland.

see page 87

23 Jan 1892 daily 6 and 11 claimed alleging 11 adjoining the other as a mile & a half between and adjoining

having attained puberty — that this witness does not know when Seetha ramudu died, nor was he present, at when that event occured in the village in which Seethamudu resided — It is admitted therein that the witness was about 9 yrs of age when Seethamudu died and his knowledge & recollection of facts that transpired at that year, should be very imperfect. His evidence cannot therefore be accepted as will to rebut the evidence adduced on Defts behalf. The fact that are therein deposed to, viz that the evidence of Pltf's witnesses that the Pltf took place as a marriage and that it was attended by pomp & ceremony — why the adoption was delayed

for several years ~~and~~ after the death of Sutherland has not been explained.

As the union Cliff was with his natural father Hunter who were all living together and performing the duties of ~~the~~ brotherly then the natives did not ~~[illegible]~~ consider actual adoption necessary the less as it may the more fact, that the adoption was delayed till after the decree absolute of 26 Jan 86 was issued is not, of itself, sufficient to annul an adoption which is proved to have been duly made.

11 As already remarked, apart from the question of Adoption, Cliff is entitled by Custom No 22 as the nephew ~~[illegible]~~ of Samuel in whose name it was registered on 1878 ~~[illegible]~~ Kahuku Office Father Elliott had was a party on pursuance of the Karere

12 In modification of the foregoing decree it is ordered and decreed that Cliff ~~[illegible]~~ be entitled as ~~[illegible]~~ Custom No 22 ~~[illegible]~~ of Custom No 23, that Cliff and as Custom No 23 be ~~[illegible]~~ that a competent person be appointed for Cliff during his minority for the performance of the duties of Custom No 22

15/12/95

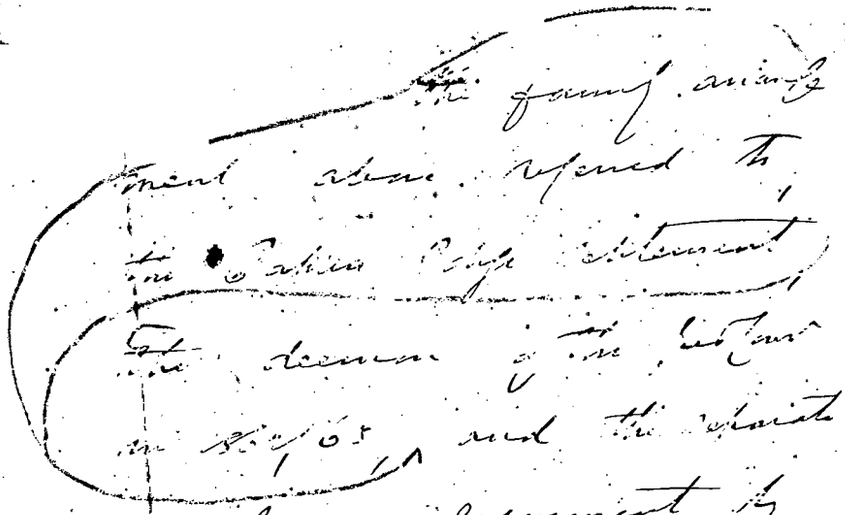
102

sharing the State and
Gallatin's Homestead
share & the State.

3 In the year 18[illegible],
Grant of the death of
Leetsdale, there was
a dispute as to the Marriage
Line in question, when a
Deed was executed by
Homestead and Gallatin
in favor & Campbell, the
second Trustee of Leetsdale
Reciting, that 1/2 share
of the said Line and
Belonging to the [illegible] 1/2
share also. [illegible] on
Condition of [illegible] final
to Homestead a Mantle
piece & 15 Dr. Cement.

4. It may then be
remarked that attest
Leetsdale was adopted
by Homestead yet he
and his two eldest
Sisters, Campbell and
Gallatin, lived Sister as
Sisters & a Joint Family.
This accounts for Campbell

lot



[illegible] family arrangement [illegible] agreed to [illegible] Catherine Pugh [illegible] settlement [illegible] deceased [illegible] the Lot [illegible] No. 107 and the plaintiff [illegible] equipment [illegible] and the Corporation [illegible] and thereupon [illegible] Code No. 23, all [illegible] Pugh from [illegible] claim [illegible] No. 23. The said, as [illegible] hereby [illegible] covenant, [illegible] demised [illegible] the same premises [illegible] that [illegible] has no right to claim [illegible] which vested in [illegible] aforesaid [illegible] and was [illegible] given and, [illegible] the deed [illegible] which vested in [illegible] the Year 1871 - [illegible] whether he is [illegible] agreement [illegible] or as

113

the adoption in
Switzerland, is
entitled to 1/12
and Ofl. has no
income y upd Wtes
Credit —
10 Its organic adoption of Ofl
there is ample evidence —
They have first that
the ceremony Head of
Ofl since that the
ceremony of adoption
was performed, but he
denies that which is
the adoption by a Court
of authority — Ofl in his
answer that he was
present when Settlement was
entered into and the
deed executed by the
Ofl in Newspaper
was called to that when
Settlement deed has
under Lakhmanah was not
or his parents' home not

(General Serial No. 32.)

1894.

No. 3594

Name of Petitioner. Lt. Col. Cumming and Capt. L. Cunningham &c.

Village.

Taluk. Bangalore

District.

Date of Arzi. 18-6-94.

Date of Receipt. 19-6-94

Date of Disposal.

No. of Enclosures. two

ABSTRACT.

Appeal against the decision of the Deputy Commissioner of Bangalore District in Revenue Appeal case No. 9 of 1893-94 on the following grounds:-

1. The Suit having been brought by Plaintiff (Respondent) as the Guardian of the original Inamdar who died before 1825-26 & the Plaintiff having failed to prove his relationship with the Inamdar he ought to have been dismissed.

2. The Assistant Deputy Commissioner erred in holding or implying that the Kaveri Line was in force till 1805-06.

3.

The learned Deputy Commissioner further
observed in his order before the
Board proceedings, dated 1875 & those that
were held at the Kadiri Taluq, to which the
dispute, since that the decree in question
was illegal & was not warranted under Code
para 53 to 57 of the Judgment of the Privy Council).
The learned Deputy Commissioner was wrong
in directing that the matter in question should
be restored to the state in which it was at the
time the execution application 1885-86,
instead of leaving the respective claims put
forward by the parties to the suit.
The present appellant filed a suit (No 1
in the Court having jurisdiction & enjoyment
of one of the two disputed Jirkas (Inspection
before the order of 1883-84, the learned Deputy
Commissioner, therefore directing
that defendant should pay the whole
of the costs of the suit.
6. The holder Lakshmanavadi of the Jirka
No 22 having died in 1887 it was incumbent
on the Deputy Commissioner
to appoint to the office a person who
would represent faithfully the
Deputy Commissioner having thus appointed
the present appellant, the Lower Court
was wrong in summarily directing that
all proceedings from 1885-86, should be
set aside, without deciding the case on its merits
The Lower Appellate Court has entirely
failed to meet any of the reasons advanced
advanced in the Judgment of the Original
Court which is illegal.
7. The decision of the Lower Appellate
Court is against law, being [illegible]
& probabilities of the case.

Prays that the Judgment of the
Lower Appellate Court may be set aside
that of the Original Court restored.

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 3594 of 96
DATE 19-6-96

112

MYSORE COURT FEE

(1)

To.

30-10-94

A.S. No 130 of 93-94.

The Government of His Highness the
Maharaja of Mysore.

Revenue Second Appeal No. of 1893-94

Appellant.

Lakshminarasimhayya.
(Defendant)

Respondent

Malariah minor
by his guardian
Davariah.

The appellant above named respectfully begs to appeal to this Honourable Court against the decision of the Deputy Commissioner of Tumkur District in Revenue appeal case No. 9 of 1893-94. on the following grounds:—

1. The suit having been brought by plaintiff as the "gana" of the original owner Lambiah who died before 1825-26 and he (plaintiff) having failed to prove his relationship with that man, his suit ought to have been dismissed.

2. The learned Deputy Commissioner erred in holding or implying that the Kaver of 1871 was in force till 1885-86.

3. The learned Deputy Commissioner further erred in not taking in to Consideratio

Consideration the several proceedings since 1875 and those that were held at the pattia pattahi settlement which distinctly show that the Karaa in question was illegal and was never acted upon (vide paras 53 to 83 of the Judgment of the Original Court)

4. The learned Deputy Commissioner was wrong in directing that the "matter in question should be restored to the state in which it was at the time the executive order was passed in 1885-86" instead of deciding the respective claims put forward by the parties to the suit.

5. The present Appellant (Defendant) and his mother having been in possession and enjoyment of one of the two disputed pirkas (viz. pirka 1 & 23) before the order of 1885-86 the learned Deputy Commissioner was wrong in directing that Defendant should pay the whole of the Costs of the suit.

6. The Vidler Lakshamanmah of the pirka 1 & 22 having died in 1887 it was incumbent on the then Deputy Commissioner to appoint to that office a person who made out a prima facie title thereto and the Deputy Commissioner having thus appointed the present Appellant (Defendant) the Lower Court was wrong in summarily directing that all

(4)

Before the Government of *His Highness* the Maharaja of Mysore.

LG

Appeal No. 130 of 1893-94

Appellant. Vs. Respondent.

Lakshmiaraasimhaiya represented by Mr. Narayanrow Advocate.

Linganaik, minor by his guardian Devaraja represented by Mr. Ramaswamy Ayengar Advocate.

L.R. 94-93

Decision 10th September 1894.

The Respondent brought a suit in 1891 for the recovery of the office of Shanbhog in the Madanavadi and Singarahalli Pirkas from the Appellant. The Assistant Commissioner, who heard the case, dismissed it on the ground that the Respondent failed to establish his title. On appeal, the Deputy Commissioner modified the decision of the Lower Court and

and decreed that the state of things which existed in 1886 should continue, because in that year, the Respondent, who was in possession of the Madavanmadu Tirika, was turned out by a Summary order of the then Deputy Commissioner, which ~~in the opinion of the present Deputy Commissioner~~ was illegal. The appeal is against this Decree.

2 Government observe that as this is a regular suit in which Plaintiff seeks to establish his right and also to recover possession of the office of Thandhoy he is bound to prove his title affirmatively and cannot be allowed to rely on a Summary order

To Urgent

The Asst. Comptr.

Treasury.

166. (2)

Dated 29-6-94

Regd-30

No 23290

R 2111

L.R. 94-93-2

Sir the hon. Treasurer
that the Asst. Comptr. will
be good enough to submit
to this office as early as
practicable the entire records
connected with the Kisii
appeal No. 9 of 1893-94
on the file of his court
(Criminal & Criminal-
Civil) regarding Bora in
claim of the Chief-ship
of Traisamedon Tribe,
Criminally Tribe.

Yours obedt

29/6/94

for Chief Secretary.

J.V.K
28/6.

(General Serial No. 30.) (3)

1894. 3[illegible] 7

Ret 1.

From The Deputy Commr
Tumkur District

To Govt

The Chief Secretary to the ~~Dewan~~
of Mysore.

Dated 2nd July 1894

Despatched —— do ——

Received

Enclosures No. 5 files

General No. 1 Acknowledging
No.

Ack in docket No 25220
Ret 2111
dated the 29th June 94.

Submits the entire
record connected
with the Revenue
Appeal Case No 9 of
1893-94 on the file of
this Court as called
for in the above.

P. Ananda 5/11/94

No. 1
Encls: 5 files.

Deputy Commissioner's Office,
Limkin District.
Dated 2nd July, 1914.

To The Chief Secretary to
the Government of Inyore.

Sir,

I have the honor to forward herewith the entire record of Revenue Appeal Case No. 77 of 1913-14 on the file of this Court (including the Settlement Officer's proceedings) regarding the claims to the Khandayat Rights of Kadalimaradu Fields, in Chikkanakallu Palya.

I have the honor to be,
Sir,
Your most obedient Servant,

Deputy Commissioner.

124

[illegible]

ср
10/VIII 94

Вх. отдел
22/10

№ 6638
31/VIII/94

Executive Division sent to Secretary

122

Received in this office Dec. 1st 2nd 1876

Copy sent

Draft

for Chief Clerk

Date
11/9.

(5)

No. 123

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

Sept 1894

Endorsement granted to Lakshminarasimha — represented by Mr. T. Narayanaswamy Iyengar

in reply to his Petition Registered No. 5094 dated 15th June 1894.

applying for grant of one of the Deputy Commissioner Functions regarding the Shanbhogship of Nelamangala and Nagarakere

Petitioner is informed that his case has been referred to the Deputy Commissioner, Tumkur Division, for a final decision on the merits of the case.

L.R. 94-93-5

The Enclosures are returned

10/10/94

11/10/94

"By Order"

Chief Secretary.

22/10

M. G. C. P. Bangalore—6-3-94.—2000.

Serial No. 232.

189 5

No. 2133

Name of Petitioner. Ali Rahimansa Marakayar

Village. Adirampattinam

Taluk. Pattukkottai

District.

Date of Arzi. 19. 2. 95

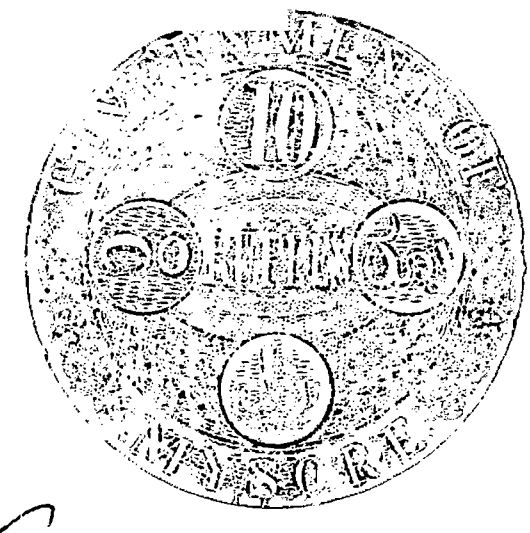
Date of Receipt. 19. 2. 95

Date of Disposal.

No. of Enclosures. 4 1 = 5

ABSTRACT.

Petitioner appeals against the decision of the Deputy Commr of Tanjore, in Revenue Appeal Case No of 93-94 regarding the Shanbhoga of Nadiyamanda Pattu in the Chikkanikandalli Taluk.



126 6

MYSORE COURT FEE

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 2133.C
DATE 17-2-95

Received
4th Feb 1895
Appellant
Pleader
ld
19/2/95

No. 126 of 1894

The Government of His Highness the Maharaja of Mysore

Revenue Second appeal No 6 of 1894-95

Appellant
Lakshminarasimmiah
(Defendant)

Respondent
Muthuriah minor
by his guardian Ramaia

The appellant above named respectfully begs to appeal to this Honorable Court against the decision of the Deputy Commissioner of Tumkur District in Revenue appeal Case No: 9 of 1893-94 on the following grounds:—

1. The Learned Deputy Commissioner erred in holding that [illegible] relationship to the registered Sanadhi was long ago established in Civil

Pet 1.

1311

130

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2/3
dated 19-2-95 received at the
Dewan's Office from Lakshminar
-sinhaiya, Masana
, Chicknaikenhally
appealing against
Tumkur Dy. Comm
decision in Rev: appeal ca
No: 94/1893-94 regarding
Shanbogi of Marsiamen
is forwarded, together with its ~~four~~
enclosures, to the Dy. Comm
Tumkur District for
submission of the
entire proceedings
connected with the
case.

2 The petition with its
Enclosures should be
returned.

By Order,

Draft. 14/3

Chief Secretary

BANGALORE,
12-3-1895
20.

Read. 14/3

14/3

B.G.C.P.B.—19-2-95—1,000

L.R. 94-93-6

20/3/895

2/a

Civil Suit between the elders
of the parties and that that
126 Judgment is in the file".

2. The suit having been brought
by Plaintiff as the "Jmiti" of the
original owner Sampiad who died
before 1825-26 and he (Plaintiff)
having failed to prove his relationship
with that man, his suit ought to
have been dismissed.

3. The Learned Deputy Commissioner
erred in holding or implying that
the Karar of 1875 was in force till
1885-86.

4. The Learned Deputy Commissioner
further erred in not taking into
Consideration the Several proceedings
since 1875 and three that were held
at the Pakka Potaji Settlement
which distinctly show that the Karar
in question was illegal and was never
acted

relied upon (Vide pages 53 to 83 of the judgment of the original Court)

5. The Lower Appellate Court has entirely failed to meet any of the reasons and arguments advanced in the judgment of the original Court. which is illegal

6 The decision of the Lower Appellate Court is against law weight of evidence and probabilities of the Case.

For the foregoing reasons the appellant prays that this Honorable Court will be pleased to set aside the judgment of the Lower Appellate Court and restore that of the original Court.

Bangalore
19th February
1895.

S. Narayana Rao
Adv. for appellant.

133 P 9

L.R. 94 93-10

*Proceedings of the Govt:

Read:—

(1) Petition No 2133/A.S. 126 19th February 1895, presented by Lakshminarasimhaiy of Madanamadu, Chiknaikanhalli Taluk, appealing against the judgment of the Deputy Commr of Tumkur, dated 22nd November 1894, in Rev: appeal No 9 of 93-94, regarding the Shanbhogi of Madanamadu and other villages in the Chiknaikanhalli Taluk.

(2) Proceedings received with the Tumkur Deputy Commissioner's letter No 798, dated 21st March 95.

—n—

Order thereon. R. 644/P.L.45-9 8/15.7.95

The Government are of

opinion that the Plaint was amended to the prejudice of the minor Plaintiff, under the orders of the Court of First Instance, and against the expressed wishes and objections of the Plaintiff's guardian.

2. In the original Plaint the claim was based on two grounds, (1) that Plaintiff was the heir entitled to the hak by reason of his being a jnati of the original hakdar, and (2) that he was also the adopted son of the deceased Sitaramaya, husband of Lakshamma. It was also contended by Plaintiff (vide the guardian's petition dated 23rd January, 1892)

29-3-95

(8)

Gen. Serial No. 31.]

12441

1894-95

Pet: 573

(3)

L.R. 94-93-9

From The Deputy Commr
Tumkur District.

To The Chief Secretary
to the Govt of Mysore.

Dated 21st March 1895

Despatched 22nd "

Received 23rd "

Enclosures No. 6 Sheets
Separately
Sealed

General No. 778.
No. 77

An Official Inquisition No 661 dated
the 12th March 1895.

Submitting the
entire proceedings &
connected with the
Chinnappa Nayaka
removed Tirthe in
the Chiknayakanhally
Taluk.

Pet.
23.3.95
Read 25/3

Given up under
Receipt
29/4

No 132
Jas
Encl
Deputy Commissioner's Office,
Tirunelveli District.
Dated 2nd January 1911.

To The Chief Secretary to
the Government of Madras.

Sir,

I have the honour to submit herewith the
Official Proceedings noted in the
margin for the month of January 1911
and to forward herewith the
entire proceedings connected
with the Inspection of Tinnevelly
Taluk in the Chittoor
Revenue Taluk.

2. The enclosures of the Official
Proceedings noted in the margin are herewith
resubmitted.

I have the honour to be,
Sir,
Your most obedient servant
[illegible]
Deputy Commissioner

137

Gen. Serial No. 3

REVENUE DEPARTMENT
Gl. No. 1351
Vo.
1895-96
10 AUG. 95
Pet 158
DEWAN'S OFFICE

(10)

The 1st Councillor

From The Deputy Commissioner
Jemkur District

The return will
should be made
in another month
811

To The Revenue Secretary
to the Govt. of Mysore

Dated 14th August 1895.

Despatched 15th —do—

Received

Enclosures No.

General No. 169.
No.

Govt. order No 644 Dy
P.F. 45-94
15th July 1895.

—"—

Under the circumstance
represented, states the
Return to the Govern
order in the case o
the Shanbogue of Ju
-damanadu and oth
Villages could not
made within the
-cribed time.

P
H Gh
16/8/95
Regd April 95 refer 2811618

No 169

12

Tumkúr District
Deputy Commissioner's Office
Tumkúr 14th August 1895

To

The Revenue Secretary to the
Government of Mysore

Sir,

With reference to Govern-
-ment order No. 644 / D.T. 45-96 dated the 15th
July 1895 remanding the suit connected
with the Shanbogue of Madanamadú
and other villages in the Chikkanayaka-
halli Talúk with the view of a fresh
issue regarding the adoption of the
Plaintiff being tried and additional
evidence submitted with the finding
of the Court of first instance and
that of this Court, within a month
from the date of receipt of the said
order, I have the honor to state that
the General Assistant Commissioner to
whom the case was sent for the needful
being done, states that notice had
been issued to the parties concerned
requiring them to appear on the 6th
of August 1895; but that the Guardian
of minor Plaintiff could not
produce

that, independent of the adoption, he was, by reason of his relationship to the original Kakdan, entitled to relief.

3. The Government deem it essential for the right determination of this appeal, to ascertain whether, as a matter of fact, Plaintiff was adopted by the deceased Sitaramaiya's widow — Lakshamma.

4. The suit will be remanded to the Court of First Instance for trial of the above issue. The additional evidence taken, with the Proceedings will be resubmitted to Government, with the finding of the Court of First Instance

Gen. 30.]

Draft.

1895

No (11)

From

Revenue

The ~~Chief~~ Secretary to the
Government of Mysore.

L.R. 94-95-12

To

The Deputy Commissioner
Tumkur District

Dated 26th August 1895.

Despatched 29th "

Received

General No. 2328
P.J. No. 45-94

Enclosure No.

His docket No. 169 dated 14th August 1895, stating, with reference to this office No. 644 P.J. 45-94 dated 15th July 1895, that the Return to the Govt order in the case of the Shanbogues of Madanandi and other villages could not be made within the prescribed time.

Write

With reference to the
above, has the honor
to state that the Return
to the Government order
referred to, in the above,
should be made within
another month.

I am
Sir
Your obt Servt
H Blake
26/8

26-8-95

The Revenue Secretary.

and that of the Lower Appellate Court, within a month from date of receipt of this order.

Re-Asst. 15/7/95

Revenue Circle

To

The Deputy Commr.
Tumkur District
with records.

× sent by hand on 19/7/95.

SV 15/7

2/

produce the witness on that date as he was ill. No. 139 from the list of witnesses now produced, there appear to be, 5 witnesses to be examined in the case. As they are residents of Mysore district, Chitaldroog taluk, & Davangere Gubbi and Sira, the case has been posted to the 27th of August next, under such circumstances, I beg to state that return to the Government order under reference could not be made within the prescribed time.

I have the honor to be
Sir
Your most obedient Servant

M Nanjundiah

Dy Deputy Commissioner
Tumkur district

EV

1467

½ share to the said Office and relinquishing the other ½ share also in his favor, on condition of his paying to Ramammah a — maintenance of Rs 15 per annum.

4. It may here be remarked that although Seetharamiah was adopted by Narasammah yet he and his two uterine brothers, Sampiah and Puttiah lived together as members of a Joint Family. This accounts for Sampiah being recognised as the hakdar entitled to get Seetharamiah's ½ share. It was a family arrangement entered into to avoid future disputes and is therefore binding on both parties. Yellappah died in 1875.

5. During the Survey Pakka Potigi which took place in 1878, the Karar aforementioned was so far recognized and acted

Gen. 57

REVENUE DEPARTMENT
Gl. No. 3921
Let. No. 347
18 NOV. 95
DEWANI'S OFFICE

1895

(12)

Rec'd 21/11
Copy to be heard by the 12th proximo.
Posted to the 12th December 1895
Issue notice to the parties.
21/11 Card

Adjourned.
SV 21/11

Chambers

J.R. 94-95-13

From The Deputy Commissioner
Sambhal District

To The Revenue Secretary
to the Govt. of the N.W.P.

Dated the 15th November 1895.

Despatched 15th do

Received

General No. 4302
No.

Enclosure No. 6 files and
1 Register

Govt. Rec. No. 644
F. 74-95
15th July 1895

Submitted for
record in the Shahjahanpur
Khiraji Tradana
under Circular
from Civil Court.

Refer
21/11/1895

No 432 Vol 3 Zamboanga District

Land Files

Deputy Commissioner's Office

Iligan, 4th November 95

To

The Revenue Secretary

to the Government Philippines

Sir,

In reply to Government

Proceedings No. 1644 dated the 5th

July, 1895 (1745-94) I have the honor to submit herewith the entire record connected with the Investigation held and made in the Checkanayan Valley together with the additional evidence taken on the question of Plaintiff's Military service, as directed by Government. The finding of the Court of First Instance will be found in File No 5 and that of the Deputy Commissioner Court on the file in connection with Revenue Appeal Case No. 1 of 1895-96 on the file of that Court.

property.

acted upon as to justify the division of the charge into two circles Nos 22 and 23. No 22 Madanamadu was conferred on Seetharamiah's brother Sampiah's name, and No 23 Sirigudhalli Pukka, in Honnammah's name. Thenceforward each enjoyed his or her share separately

6. Honnammah died soon after the Pakka Potiyi and Sampiah in the following year (1879). Gumastahs were appointed to do the duties of each circle separately. After Sampiah's death, a gumasta for circle No 22 was appointed, at the request of Sampiah's brother Puttiah, the natural father of the present Plaintiff.

7. In 1886 there was a dispute between Yellappa's widow Lakshmammah and Seetharamiah's widow also named Lakshmammah, when the Deputy Commissioner decided, on 26th July 1886

and Pattika [illegible]
of 1878. The present Plaintiff,
whether he is regarded as
Sampiah's nephew or as
the adopted son of Seetha-
ramiah, is entitled to No.
22, and Defendant has no
manner of right to this
Circle.

10. As regards the adoption
of Plaintiff, there is ample
evidence. The Deputy
Commr. finds that the evidence
offered by Plaintiff proves
that the ceremony of
adoption was gone through,
but he doubts the validity
of the adoption for want of
authority. Plaintiff's 1st
witness however swears
that he was present when
Seetharamiah authorized
his wife to adopt. Plaintiff's
natural father's evidence
also corroborates the
1st witness. The Defendant's
1st witness Nanjappah
was called to show that
when Seetharamia

Before the Government of ~~His Highness the Maharaja of~~ Mysore.

(14)

Appeal No. 126 of 1894-95

MS

Appellant. Vs. Respondent.

Lakshmanaswamiyya (Original Defendant)

L.R. 96-93-14

Mylariah minor by his guardian Devaraya (Original Plaintiff)

Decision.

The original Pakdar of the Shanbhogi Office in dispute was one Sampiah who died in 1825-26. He left his surviving two widows Karaamma, and Honnamma.

Honnamma adopted one Yellappa and Karaamma one Lakkanna

2. Karaamma died in 1861 when Lakkanna brought a suit against Honnamma and Yellappa for some family

properties. The Judicial Commissioners, in S. A. No 2 of 1863-64, found that, subsequent to the death of Sampiah, his two widows separated by mutual arrangement after dividing the property equally, and that each adopted a son to herself. The decree was to the effect that Sellamanich was entitled to Karuppammah's share of the Estate and Yellappa to Ponnammah's share of the Estate.

3. In the year 1871 — subsequent to the death of Seethanamich, there was a dispute as to the Thandayer Office in question, when a Karar was executed by Ponnammah and Yellappa in favor of Sampiah, the natural brother of Seethanamich, recognizing his ½ share

died, his widow Lakshmanmah was not with him, but was in her parents house not having attained puberty. But this witness does not know when Seethanamiah died, nor was he present, when that event occurred in the village in which Seethanamiah resided. It is admitted moreover that the witness was about 9 years of age when Seethanamiah died and his knowledge or recollection of facts that transpired at that young age must be very imperfect. His evidence cannot therefore be accepted as sufficient to rebut the evidence offered on Plaintiffs behalf. The Govt are therefore disposed to find, on the evidence of Plaintiffs witnesses, that the Plaintiffs adoption took place as a matter of fact, and that it was also authorized by Seethanamiah. Why the adoption was delayed

25/12/95

(13)

I.R. 94-93-15

that No 22 should be registered in the name of Seetharamiah's widow, and No 23 in the name of Yellappa's son Lakshmi Narasimha, the present defendant, and that on the death of Seetharamiah's widow, No 22 should also be registered in defendant's name. In November 1886, Seetharamiah's widow Lakshmamma adopted Plaintiff Mylarsah, son of Puttiah. In June 1887, the said Lakshmamma died and on the 17th January 1888 the deputy Commr ordered that No 22 should be registered in the name of defendant. It is this order which has given rise to the present suit.

8. Plaintiff who is a minor, represented by his guardian Venkatarya sues to recover Nos 22 and 23 on the ground

that he is entitled to both the circles.

9. The decision of the judicial Court in 1862-63, the family arrangement above referred to, the Pattiem Patéj Settlement and the separate and exclusive enjoyment by defendant and his late father Gallappa and Hanumanah of circle No 23, all estop plaintiff from laying claim to No 23. The suit, as regards this circle, must, therefore, be dismissed. For the same reasons, it must be held that defendant has no right to claim No 22 which originally vested in Kanakannah and Seethanniah, and was separately enjoyed by them and, subsequent to the death of Seethanniah, vested in Sampiah under the Kanas of 1871, and

156.

Draft

25/12/95

21/12

19/12

2

1864

I have the honor to be
Sir
Your most obedient Servant
W Macaulay
Offg Deputy Commissioner
Tumkur District
E/F

for several years after the death of Sheetaramaiah has not been explained. As the minor Plaintiff was with his natural father and uncle who were all living together and performing the duties of the office, the widow probably did not consider actual adoption necessary. Be this as it may, the mere fact that the adoption was delayed till after the adverse order of 26th July 1936 was passed, is not, by itself, sufficient to annul an adoption which is proved to have been duly made.

11. As already remarked, apart from the question of adoption, Plaintiff is entitled to Circle No 22 as the nephew of Narsimiah in whose name it was registered in 1378, in pursuance of the Karar of 1871 to which the

defendants' father [illegible]
was a party.

12. In modification of the deputy commr's decree, it is ordered and decreed that Plaintiff be registered as holder of circle No 22 and defendant of circle No 23, that Plaintiff's suit as regards circle No 23 be dismissed, that a competent guardian be appointed for Plaintiff during his minority, for the performance of the duties of circle No 22

By order

Revenue Secretary

Redraft
Cpd

No 5733 / P.D. 45-24 § 21-24 - 2-8 Two circles filed and separately by panel -

Copy of the above is forwarded to the Deputy Commr Tumakuru District, with the records received with his letter No 432 of 14-11-25

"By order"

Revenue Secretary

compd